

Data Entry Manual for Utility Patents

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Section I. INTRODUCTION

This data entry manual provides instructions with respect to

data sources,

pre-capture verification, including guidelines for “printer waiting” queries, and

composition of the data in the Yellow Book and PostScript products.

In general this manual does not address Grant Red Book. However, see **Assignee Type Code [Grant Red Book only]** in *8. Assignee Data*, and see *36. Technology Center (Group) Art Unit [Grant Red Book only]* for data source and pre-capture verification guidelines.

Section II. FRONT PAGE - MASTHEAD

1. Patent Number Bar Code

Data Source

See 3. *Code US, Patent Number, Kind Code.*

Pre-Capture Verification

See 3. *Code US, Patent Number, Kind Code.*

Composition

The bar code for the U.S. patent number will appear in a horizontal direction on the patent front page. It will be centered above the patent number in the uppermost right-hand part of the front page.

■ Bar Code Characters

The bar code for a utility patent will consist of fifteen characters.

character 1	start code
characters 2–3	US code
characters 4–5	two zeros
characters 6–12	seven-position patent number
characters 13–14	two-character kind code (B1 or B2)
character 15	stop code

For example: startUS006543999B1stop

See 3. *Code US, Patent Number, Kind Code.*

■ Bar Code Type

Bar code type "Code 39" will be used, whereby each character is defined by a nine-character symbol consisting of five bars and four spaces. Each character is coded with three wide elements (bars and spaces) which represent "1" bits and six narrow elements (bars and spaces) which represent "0" bits.

■ Bar Code Minimum Requirements

To insure an optimum level of reading both with fixed scanners and with wand (hand-held) scanners, the following minimum requirements will be adhered to:

standard density	9.5 characters per inch (or 2.54 cm)
minimum nominal width of narrow bars and spaces	0.190 mm (or 0.0075")
minimum nominal width of wide bars and spaces	0.427 mm (or 0.0168")
minimum bar height	6.10 mm (or 0.24")
inter-character gap	1.52 mm (or 0.060")

2. Office Identification & “Plain Language” Kind Designation

Data Source

The INID code (12), the office identification **United States**, and the “plain language” kind designation **Patent** are non-variable.

Pre-Capture Verification

None.

Composition

The office identification and “plain language” kind designation are printed in the masthead, on the upper left side of the front page.

■ INID code (12) is printed as follows:

- 9-point
- Times New Roman

■ **United States Patent** is printed as follows:

- 18-point
- uppercase and lowercase
- Times New Roman Bold
- The **U** vertically aligns with the first letter of the inventor’s surname (see *4. Inventor Surname*).

3. *Code US, Patent Number, Kind Code*

Data Source

code US. This code is non-variable.

patent number. See the document entitled *Receipt/Dispatch of Files & Assembly of Weekly Issue*. The seven-digit patent number is to be affixed by the data base contractor in the Patent Number box, in the upper right corner of the face of the file wrapper. This will be the patent number's sole location on or in the file wrapper.

kind code. The utility patent's two-character kind code will be **B1** if there was no pre-grant publication of the application, and will be **B2** if pre-grant publication did take place.

- At the time of "issue build" the publication database contractor will use its electronic pre-grant publication records to determine the kind code of each utility patent that is being placed in the issue. If the utility application has been published prior to "issue build" as an A1 document, the publication database contractor will use kind code **B2** for the utility patent. In all other situations the publication database contractor the use kind code **B1** for the utility patent.
- When the USPTO withdraws an A1 document after publication and the USPTO sufficiently prior to "issue build" notifies the publication database contractor that the A1 withdrawal has taken place, the publication database contractor will use kind code **B1** for the utility patent.

Pre-Capture Verification

See above.

Composition

The INID code (10), the **Patent Number:** heading, the code **US**, the seven-digit patent number, and the kind code are printed on the right side of the masthead, on the same line as the office identification and "plain language" kind designation.

■ INID code (10) is printed as follows:

- 9-point
- Times New Roman

- The heading **Patent Number:** (including the colon) is printed as follows:
 - 12-point
 - Times New Roman Bold
- The code **US**, the seven-digit patent number, and the kind code are printed as follows:
 - 14-point
 - Times New Roman Bold
 - commas within the seven-digit patent number

4. *Inventor Surname*

Data Source

The sole or first-named inventor's surname is printed in the masthead. See 7. *Inventor Data*.

Verification

See 7. *Inventor Data*.

Composition

The surname is printed in the masthead, directly below the office identification and the “plain language” kind designation. There is no INID code.

- The surname in the masthead is printed as follows:
 - 12-point
 - uppercase and lowercase
 - Times New Roman Bold
 - The first letter of the surname vertically aligns with the **U** in the office identification.
- additional instructions:
 - Follow the source with respect to **Jr.**, **III**, etc. and with respect to diacritical marks such as acutes, umlauts, etc.; with respect to hyphenated surnames such as **Smith-Jones**; and with respect to unhyphenated Hispanic surnames such as **Lopez Portillo**.
 - If there are joint inventors, **et al.** will be printed after the surname.

5. *Patent Date*

Data Source

See the document entitled *Receipt/Dispatch of Files & Assembly of Weekly Issue*. The publication database contractor will enter the issue date into the PATENT DATE box that appears on the face of the file wrapper. This is the only place on or in the file that the patent date (issue date) will appear.

Pre-Capture Verification

See above.

Composition

The INID code (45), the **Date of Patent:** heading, and the patent date itself are printed on the right side of the masthead, on the same line as the inventor surname, and directly beneath the **Patent Number:** data.

- INID code (45) is printed as follows:

- 9-point
- Times New Roman

- The **Date of Patent:** heading (including the colon) and the patent date itself are printed as follows:

- 12-point
- uppercase and lowercase
- Times New Roman Bold
- month abbreviated as follows:
Jan. Feb. Mar. Apr. May Jun. Jul. Aug. Sep. Oct. Nov. Dec.

- term notice indicator (asterisk) in masthead

For example: (45) **Date of Patent: * Dec. 14, 1984**

In a utility patent or plant patent, when a terminal disclaimer (TD) notice appears on the front page or when a 20-year-term (CPA) notice appears on the front page, a term notice indicator (asterisk) will be printed in the masthead to the left of the patent date in the INID (45) data.

Otherwise, inasmuch as each utility patent front page and each plant patent front page will show a patent term extension/adjustment (PTE/PTA) notice, no term

notice indicator (asterisk) will be printed in the masthead when the PTE/PTA notice is the only notice.

NOTE: An asterisk within parentheses (in place of an INID code within parentheses) will be printed beside the notice itself, whether it is a PTE/PTA notice, a terminal disclaimer (TD) notice, or a 20-year-term (CPA) notice. See **9. *Term Notice***.

Section III. FRONT PAGE - COLUMNS

6. *Title*

Data Source

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see codes ADS (application data sheet), SPEC (specification), NOA (Notice of Allowance and related papers, including examiner's amendments), and A... (amendment).

* * *

The title of the invention is printed twice on the patent—on the front page (see here in **6. Title**) and at the beginning of the specification (see **27. Title**).

location of title. See *Appendix F: Application Data Sheet (ADS)*. According to 37 CFR 1.76(b)(3), the applicant(s) may use an application data sheet (ADS) to provide application information, including the title of the invention. 37 CFR 1.72(a) says that, if the title of the invention is supplied on an ADS, then there is no requirement that the applicant show the title of the invention "as a heading on the first page of the specification." If the title is not supplied on an ADS, then the applicant should show the title as a heading on the first page of the specification.

source for title. If the applicant elects to show the title both on an ADS and as a heading on the first page of the specification, then the more recent version of the title will serve as the data source. For example, if the ADS showing the title is dated April 4, 2002 and an amendment dated November 8, 2002 supplies or amends a title at the beginning of the specification, then the November 8, 2002 paper is the title source. If the documents were submitted at the same time, then the ADS controls. If there is no ADS, the data source for the title remains the PALM bibliographic data sheet (or file wrapper label) as verified against the first page of the specification, subject to the instructions set forth below.

length of title. 37 CFR 1.72(a) limits the length of the title of the invention to **500** characters. (The length limitation of 255 characters is no longer in effect.) See "printer waiting" ***QUERY*** guidelines below.

Pre-Capture Verification

when only one version has been amended in red ink. With respect to the two versions of the invention title—that is, the specification/ADS version and the PALM label/sheet version—when a red-ink amendment has been applied to one version but not to the other, the publication database contractor will capture the invention title as if the red-ink amendment had been applied to both versions. For example:

PALM label/sheet version (amended)	➔	DUAL-POSITION FISH LURE
specification/ADS version	➔	FISH LURE
print version	➔	DUAL-POSITION FISH LURE

when both versions are cleanly keyed and obvious variants of the same title. If the USPTO has applied a red-ink amendment to the invention title on the file wrapper label (or PALM bibliographic data sheet) and if the USPTO has corrected the title electronically in the PALM system and if a new file wrapper label (or PALM bibliographic data sheet) has been printed, then the label or sheet will be showing the amended title in a cleanly keyed form (that is, with no red ink). Therefore, when the PALM label/sheet version of the title and the specification/ADS version of the title both show the title in cleanly keyed form with no red ink in either version, and the two versions are obvious variants of the same title, then no “printer waiting” query is necessary and the publication database contractor will capture the PALM label/sheet version of the title. For example:

PALM label/sheet version	➔	ELECTRICAL CONNECTOR WITH GROUND CLIP
specification/ADS version	➔	CONNECTOR WITH GROUND CLIP
print version	➔	ELECTRICAL CONNECTOR WITH GROUND CLIP

However, if the two versions of the title, cleanly keyed or otherwise, reflect different subject matter, then a “printer waiting” query is necessary (see the second guideline below).

The publication database contractor will return the file with a "printer waiting" **QUERY** if:

- ***Both the PALM label/sheet version of the title and the specification/ADS version of the title have been amended in red ink, but the red-ink amendments are not consistent.*** For example, the PALM label/sheet version of the title has been changed from DISPENSER to DOSING DISPENSER, yet the specification/ADS version has been changed from DISPENSER to FLEXIBLE DOSING DISPENSER.
- ***The PALM label/sheet version of the title (with or without red ink) and the specification/ADS version of the title (with or without red ink) reflect different subject matter.*** For example, the PALM label/sheet version (with or without red ink) is ELECTRICAL CONNECTOR WITH GROUND CLIP and the

specification/ADS version (with or without red ink) is CUTTING HEAD FOR LAWN MOWER.

- ☛ ***The title is insufficiently descriptive***—that is, the title in its entirety is MACHINE or PROCESS or APPARATUS or DEVICE, etc.
- ☛ ***The title contains a trademarked name or a marketing name***, such as BAND-AID, PLEXIGLAS, or INSTAMATIC.
- ☛ ***The length of the title is more than 500 characters.***

NOTE: The publication database contractor should not query merely because the examiner did not initial an amended title. As long as the amended title meets all the other requirements for a title, no query is necessary.

The publication database contractor must make the following changes to the title before capturing it (no "printer waiting" query is necessary):

- **An article—that is, A, AN, or THE—is to be removed as the first word of the title.** For example, A MOLDING MACHINE WITH PATTERN VENTING must be changed to MOLDING MACHINE WITH PATTERN VENTING.
- **Terms such as NEW, IMPROVED, or IMPROVEMENTS IN are to be removed from the title.** For example, IMPROVED STEM CUTTING DEVICE should be changed to STEM CUTTING DEVICE.
- **British spellings should be Americanized.** For example, the word TYRE should be changed to TIRE.
- The PALM label/sheet version of a title sometimes reflects the limitations of the PALM database:

off-line characters. The PALM label/sheet version of the title sometimes cannot show off-line characters. For example, H2O may appear in the PALM label/sheet version of the title while H₂O appears in the specification/ADS version of the title. The publication database contractor will print H₂O.

Greek letters. The PALM label/sheet version of the title may spell out Greek characters that appear as symbols in the specification/ADS version of the title. If ALPHA appears in the PALM label/sheet version of the title but I appears in the specification/ADS version, the publication database contractor will print I.

punctuation substitution. If the PALM label/sheet version of the title and the specification/ADS version of the title differ as to punctuation, the publication database contractor will print the punctuation as shown in the specification/ADS version. For example, if the PALM label/sheet version shows the character [where the specification/ADS version shows the character { then the publication database contractor will print the { .

degree symbols. The PALM label/sheet version of the title may show a space (80 C) where the specification/ADS version shows a degree symbol (80°C). The publication database contractor will print the degree symbol .

diacriticals. The PALM label/sheet version of the title may not show acutes, umlauts, etc. For example, if the PALM label/sheet version of the title shows the word AEDES while the specification/ADS version renders the word as AËDES, the publication database contractor will print AËDES.

italics. The PALM label/sheet version of the title may not show the italics that appear in the specification/ADS version. Therefore, if the PALM label/sheet version is BACILLUS THURINGIENSIS ISOLATE ACTIVE AGAINST DEPTERAN PESTS but the specification/ADS version is *BACILLUS THURINGIENSIS* ISOLATE ACTIVE AGAINST DEPTERAN PESTS, the publication database contractor will print the latter.

Composition

The title of the invention is printed as the first item in the left column of the front page. The INID code is (54).

■ INID code (54) is printed as follows:

- 9-point
- Times New Roman
- flush left

■ The title of the invention is printed as follows:

- 9-point
- uppercase
- Times New Roman Bold

NOTE: See *Appendix E: Style Rules*. In title, use bold italics for genus + species or for species alone.

■ Additional printing instructions:

- Print multiple-line titles flush left with the first line. Use no hyphenation. Use ragged right-hand margin.
- Abbreviations are acceptable in the title—for example, SQ., IN., ETC., P.S.I., P.P.M.

E X A M P L E S
of composed titles (front page)

- (54) **HIGH STRENGTH AND DENSITY
TUNGSTEN-URANIUM ALLOYS**

- (54) **TETRAZOLEACETIC ACID DERIVATIVES
AND METHOD OF ALDOSE REDUCTASE
INHIBITION THEREWITH**

- (54) **ROD CUTTER**

- (54) **PROCESS FOR THE PREPARATION OF
2'-DEOXY-9-ADENOSINE**

- (54) **ELASTIC MOUNT HAVING MAIN FLUID
CHAMBER COMMUNICATING WITH
AUXILIARY FLUED CHAMBER PARTIALLY
DEFINED BY OSCILLATING PLATE**

- (54) **PROCESSING ARRANGMENT FOR
OPTICAL RATE SENSOR**

- (54) **DEVICE FOR TRAPPING *MUS MUSCULUS***

7. *Inventor Data*

Data Source

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see codes OATH (oath or declaration), ADS (application data sheet), and BIB (PALM bibliographic data sheet).

* * *

inventor's name. The source for inventor's name is the oath or declaration. Even if the applicant files an application data sheet (ADS), he/she is still required to provide the inventor name(s) on an oath/declaration. If the applicant has filed an ADS, he/she may file a short form of the oath/declaration which shows the inventor's name and signature but which does not show the inventor's residence and mailing address, the foreign priority data, etc. The rules require that "at least one given name without abbreviation" must be supplied, for example, J. J. Jones is insufficient, while any of the following are sufficient: John J. Jones, J. James Jones, John James Jones.

correcting the "inventive entity" (identity, number, order, and spelling of inventors). If the oath/declaration shows "the inventive entity ... in error," the inventorship must be amended in accordance with 37 CFR 1.48(a), which requires the filing of a new oath/declaration showing "the actual inventor or inventors." A supplemental ADS cannot be used to correct the "inventive entity." See *Appendix F: Application Data Sheet (ADS)*. An ADS, whether original or supplemental, is never the source for the "inventive entity." When a supplemental or new oath/declaration is filed, it becomes the source for the capture of the inventor name(s). A paper deleting inventors is also a source, when the paper was included with the application on filing. A request under 37 CFR 1.48 adding or deleting and inventor (see below) is also a source, when the request has been granted.

signing of supplemental oath/declaration with multiple inventors. A revision to 37 CFR 1.67 provides that when there are multiple inventors and a supplemental oath/declaration is filed to correct "deficiencies or inaccuracies in the earlier filed oath or declaration," it is not always necessary that the supplemental oath/declaration be signed by all of the inventors. If the "deficiencies or inaccuracies" are relevant to all of the inventors, then all of them must sign the supplemental oath/declaration. If the "deficiencies or inaccuracies" are relevant to "fewer than all" of the inventors,

then it is permissible for only the relevant inventor(s) to sign the supplemental oath/declaration. The publication database contractor is not responsible for verifying the relevance of “deficiencies and inaccuracies.”

age of person signing oath/declaration. 37 CFR 1.63(a)(1) includes the following clarification: “There is no minimum age for a person to be qualified to sign, but the person must be competent to sign, i.e., understand the document that the person is signing. The publication database contractor is not responsible for verifying the competence of an applicant to sign.

inventor’s residence (city name + state code + US country code, or city name + foreign country code) or inventor’s mailing address (“post office address”). When the applicant has submitted an ADS, the oath/declaration is not required to show the inventor’s mailing address (formerly known as the “post office address”) and is not required to show the inventor’s residence. See *Appendix F: Application Data Sheet (ADS)*. However, the applicant may elect to provide the mailing address or residence on both the oath/declaration and the ADS. If the oath/declaration and the ADS disagree as to the inventor’s residence or mailing address, the governing source for the capture of the inventor’s mailing address or residence is “the latest submitted” (most recent) document, whether oath/declaration, supplemental oath/declaration, ADS, or supplemental ADS. If the most recent oath/declaration and the most recent ADS were submitted on the same date, the ADS is the governing source for the capture of the inventor’s mailing address or residence. If no ADS has been filed, but more than one oath/declaration have been filed, the source is the most recently submitted oath/declaration.

petitions or requests that inventor(s) be added or deleted:

- ***petition or request under 37 CFR 1.48(a) or (c).*** If this kind of request has been granted, the inventorship as corrected by the petition should be used:
 - A new oath/declaration is required and should be included in the application.
 - The USPTO should use red ink to annotate the left margin of the original oath/declaration. The notation should read "See Paper No. ____ for inventorship changes."
 - The USPTO should change the PALM version of the inventor data to list the inventor(s) as corrected.
- ***petition or request under 37 CFR 1.48(b).*** If this kind of request has been granted:
 - A new oath/declaration is not required.
 - The USPTO should use red ink to annotate the left margin of the oath/declaration. The notation should read "See Paper No. ____ for inventorship changes."

- The USPTO should change the PALM version of the inventor data so that the deleted inventor(s) are no longer shown.

continuation or division, including a "continued prosecution application" (CPA) continuation or division. The applicant may file a "statement requesting deletion" with the application when the application or CPA request is filed. (This statement if made may generally be found in the transmittal letter.) Then:

- The USPTO either stamps **Inventor(s) Deleted on Filing** in red ink in the left margin of the oath/declaration, and draws a red line from the stamp to the name(s) of the inventor(s) being deleted, or the PTO uses red ink to annotate the left margin of the original oath/declaration. The notation should read "See Paper No. ____ for inventorship changes."
- The USPTO changes the PALM version of the inventor data so that the deleted inventor(s) are no longer shown.

order of inventors. Inventors will be printed in the order set forth in the executed oath or declaration unless:

- A petition under 37 CFR 1.182 is granted to change the order of the inventors' names.
- The USPTO should use red ink to annotate the left margin of the oath/declaration. The notation should read "See Paper No. ____ for inventorship changes."

determining the correct inventorship. The data base contractor will determine the correct inventive entity by looking to the oath/declaration and, when necessary, to a "statement requesting deletion of the name or names of the person or persons who are not inventors of the invention being claimed" or to a decision granting a petition correcting the inventorship.

See **PROCEDURES** and **CIRCUMSTANCES**
below in the **Pre-Capture Verification** section.

Pre-Capture Verification

The term "inventor" and the term "applicant" are often used interchangeably. The following table shows selected MPEP references pertaining to inventors/applicants:

<u>Subject</u>	<u>MPEP</u>
applicant's name	605.04(a)

applicant's residence	605.02, 719.02(b)
applicant's mailing or post office address	605.03, 719.02(b)
applicant's signature	605.04(a), 605.04(f)
sole inventor / joint inventors	201.01, 201.02, 605, 605.04(f), 605.07
order of inventors	201.03, 605.04(f), 605.04(g)
non-signing inventor ("Rule 47")	409.03, 409.03(a)–(j)
deceased inventor	409, 409.01(a)–(f)
incapacitated inventor	409, 409.02
inventor name change	605.04(c)
inventorship correction/change	201.03, 605.04(g)

typed name on oath/declaration is data source. The name of the inventor will be captured as it is typed or printed on the oath/declaration. All information for the capture of the name—including diacritical marks—will be taken from the typed version. No truncation of a middle or other given name will take place unless that truncation appears in the oath/declaration's typed version of the name. For example:

typed version	John James Smith, Jr.
signature	<i>John J. Smith, Jr.</i>
print version	John James Smith, Jr.
typed version	Mary H. Lamb
signature	<i>Mary Haas Lamb</i>
print version	Mary H. Lamb
typed version	Moon Young LEE
signature	<i>Moon Young Lee</i>
print version	Moon Young Lee
typed version	Juan LOPEZ HERNANDEZ
signature	<i>Juan Lopez Hernandez</i>
print version	Juan Lopez Hernandez
typed version	K. Christian Köhler
signature	<i>Karl Christian Köhler</i>
print version	K. Christian Köhler

NOTE on truncation of name in PALM : It may happen that the middle name or other given name is truncated in the PALM bibliographic data sheet's (or file wrapper label's) version of the name, even when there is no truncation in the oath/declaration's typed version of that name. When this happens, no "printer waiting" query is necessary. The oath/declaration's typed or printed version of the name will be the source for data-capture purposes. If the file wrapper shows "John A. Doe" and the oath shows "John Alvin Doe", the name will be printed as "John Alvin Doe."

NOTE on name-abbreviation request procedure (very rare): In certain very limited circumstances, the PTO may grant an inventor's written request that a middle name or other given name be printed as an initial even though that name is spelled out on the oath/declaration. When such a request is granted, the PTO will alert the publication database contractor by placing a red-ink annotation in the left margin of the oath/declaration, as near as possible to the typed version of the inventor's name. This annotation will read "See Paper No. ____." The publication database contractor will then go to that numbered paper, in the upper right corner of which the word "Granted" will appear in red ink. The publication database contractor will proceed to capture the inventor's name according to the written request. For example:

typed version	Thomas Alva Edison
signature	<i>Thomas A. Edison</i>
requested version	Thomas A. Edison
print version	Thomas A. Edison

The name-abbreviation-request procedure as described above has limitations: (i) The inventor cannot use the procedure to ask the USPTO to spell out a given name that is abbreviated on the oath/declaration. If the name typed on the oath is Thomas A. Edison, the inventor—since the initial could represent any number of names beginning with A—would be required to file a petition (with fee) if he wanted to have his name changed to Thomas Alva Edison. (ii) The inventor cannot use the procedure to ask the USPTO to abbreviate all of his/her given names. At least one given name must be spelled out, which means that Thomas Alva Edison may ask that his name be printed as Thomas A. Edison or as T. Alva Edison, but he may not request that his name be printed as T. A. Edison. If the publication database contractor has a question about the USPTO's processing of any name-abbreviation request, the data base contractor should contact the Office of Patent Publication.

first/middle/surname. When capturing the name of the inventor, the publication database contractor will use first/middle/surname order, transposing when necessary. For example, if the oath version of the name is HSUING Yu-Kuang, the name will be printed as Yu-Kuang Hsiung.

honorifics. Mr., Mrs., Ms., Dr., Prof, Hon., etc. are not captured, except when an inventor uses her spouse's full name—for example, "Mrs. Samuel Jones."

Hispanic surnames. The publication database contractor will accurately capture an unhyphenated double Hispanic surname when such a name is indicated on the oath/declaration by means of labeled boxes, capitalization, etc. For example, if the oath shows the name as Juan LOPEZ MARTIN, it is clear that the surname is Lopez Martin. (This is especially important if Mr. Lopez Martin's surname is to be correctly printed in the masthead. See *4. Inventor Surname*.)

deceased or incapacitated inventor. If the inventor was not alive at the time of filing, information concerning the heir, executor, etc.) will appear on the oath/declaration and will be captured as part of the inventor data. Also, it may happen that an inventor dies during the prosecution of the application and an heir, etc. takes over the prosecution. Similarly, if an inventor is “insane, or otherwise legally incapacitated” (MPEP 409), a legal representative (guardian, conservator, etc.) may prosecute in place of the inventor. In any of these situations, there must be agreement between the inventor data, including data about a legal representative, on the file wrapper label (or PALM bibliographic data sheet) and the inventor data on the oath/declaration (including papers indicated by annotation of the oath/declaration).

“proof of authority” papers are not required for legal representative of deceased or incapacitated inventor. See MPEP 409.01(b). Accordingly, the publication database contractor need not look for a document establishing proof of authority and should not query when such a document is absent from the application file.

institution as legal representative of deceased or incapacitated inventor. The institution itself, not the person who signs on the institution’s behalf, is the legal representative. For example, if the declaration is signed by George F. Babbitt, who is identified as the “Officer authorized on behalf of First Trust Company of Winnemac, legal representative of the estate of Martin Arrowsmith,” the legal representative’s name and title would be printed as First Trust Company of Winnemac, legal representative.

Rule 47. When the patent grant is issued from an application filed under 37 CFR 1.47, an indication of the 37 CFR 1.47 filing is printed on the patent, regardless of whether the non-signing inventor has filed proper joinder papers during the prosecution of the application. With respect to the printed patent, the Rule 47 indication does not appear in the inventor data; instead, it appears as the parenthetical phrase (Under 37 CFR 1.47) beneath the filing date. See *11. Application Filing Date* for information about the PTO’s processing of Rule 47 cases, as well as pre-capture verification instructions and print/image composition instructions.

when the inventor’s residence is to be printed. The inventor’s residence (city name + state code + US country code, or city name + foreign country code) is printed at INID (75) if assignee data is being printed at INID (73). For an inventor who is a member of a U.S. armed service, the service itself (U.S. Army, etc.) is sufficient as the residence. The source will be the inventor’s residence as it appears either on the oath/declaration or the application data sheet (ADS).

NOTE on changing inventor’s residence : See MPEP 719.02(b), which says that an applicant must specifically request that his/her residence be changed in the USPTO’s records, and that the USPTO will not change the residence merely because a new oath/declaration shows a different residence from the original oath/declaration. Therefore, if the USPTO annotates the oath/declaration [for example, “See Paper No. X for inventor address change”], the data base contractor will go to that paper (the inventor’s specific address-change request) and will capture the

residence shown on the paper, and it is not necessary that the inventor file a new oath/declaration showing the new residence.

when the inventor's mailing address is to be printed. The inventor's complete mailing address is printed at INID (76) if no assignee data is being printed. The source is the mailing (post office) address as it appears either on the oath/declaration or the application data sheet (ADS), unless the source has been annotated by the USPTO to indicate a change-of-address paper filed under the inventor's signature.

when inventor is also assignee. When a joint inventor is identified as an assignee at INID (73), then his or her mailing address will be printed in the inventor data at INID (75). See *8. Assignee Data*.

township and/or county in U.S. inventor's residence or mailing address. In place of a U.S. city name, the oath/declaration or application data sheet (ADS) may show a township name and/or a county name. When this happens, the publication database contractor will capture the township name and/or the county name.

variant U.S. city spellings. When variant spellings are shown for U.S. city names, the spelling on the oath/declaration or application data sheet (ADS) will be printed. For example, a joint inventor's city on the declaration is shown as St. Louis, but that same inventor is named as the assignee on Form PTOL-85B and his city there is shown as Saint Louis. The city name would be captured as St. Louis not only in the inventor data but also in the assignee data. See *8. Assignee Data*.

foreign city spellings. If a foreign city name appears in *Appendix C: FOREIGN CITY "PRINT VERSION" LIST*, use the "print version" name that is shown in the list. Otherwise, capture the city name as it appears on the oath/declaration or application data sheet (ADS). For example, if the oath says that the inventor is from Wien, Austria, his city name will be captured as Vienna. However, the city name for an inventor from Zwettl, Austria, will be captured without alteration. See *8. Assignee Data*.

NOTE about an exception to the above : If, on the oath/declaration or application data sheet (ADS), an inventor/assignee uses the "foreign" spelling of a city name which appears on the Appendix C list, that "foreign" spelling of the city name will be printed in all the relevant bibliographic fields on the patent front page. For example, there are three joint inventors from the same foreign city, one of whom is also the assignee. On the declaration, the inventor/assignee spells his city name as Wien. It does not matter whether the other two inventors use Wien or Vienna on the oath, or whether the inventor/assignee uses Vienna in the assignee section of Form PTOL-85B (Issue Fee Transmittal). The inventor/assignee's spelling on the oath (Wien) will be used for all three inventors in the inventor data and for the inventor-as-assignee in the assignee data. See *8. Assignee Data*.

Japanese address suffixes. Suffixes in Japanese addresses indicate which address element is the city, which the state, etc.:

urban

fu or ken	state (prefecture)
shi	city
ku	ward
cho	street
chome	substreet
banchi	house number

rural

do, fu, or ken	state (prefecture)
gun	county
machi	town
mura	village

The publication database contractor will NOT initiate a “printer waiting” **QUERY** in any of the **CIRCUMSTANCES** stated below, unless an exception is noted, or if the publication database contractor cannot positively determine the correct course of action. The publication database contractor will perform the outlined tasks. If the instructions note “PALM must be corrected”, the publication database contractor will make the corrections according to the following procedures. The corrections may be made at any stage of processing.

PROCEDURES

- The publication database contractor corrects the file wrapper label (or PALM bibliographic data sheet) in blue, as noted in the **CIRCUMSTANCES** section.
- The publication database contractor maintains records of all files that have been corrected.
- The publication database contractor makes PALM corrections in Pre-Exam, using the blue amendments to the file wrapper label (or PALM bibliographic data sheet) as the source.
- Upon request from the USPTO, the publication database contractor makes the corrected files available to USPTO personnel for inspection.

NOTES:

1. A new file wrapper label or PALM bibliographic data sheet may be printed if desired, but it is not a requirement.
2. If an attempt to change data is unsuccessful, or if an error message prevents a change from being made, the publication database contractor returns the file to the USPTO as a “printer waiting” **QUERY**.

CIRCUMSTANCES

- **An inventor cited on the oath/declaration has been omitted from the file wrapper label (or PALM bibliographic data sheet).**
 - The publication database contractor inspects the file for any paper requesting the deletion of inventors. If no such paper exists, the contractor amends the file wrapper label (or PALM bibliographic data sheet) in blue to provide the

missing inventor information. If a petition under 37 CFR 1.48 to delete the inventor is present, but the petition has not been granted, the contractor returns the file to the USPTO as a “printer waiting” **QUERY**.

- PALM must be corrected.

■ **A granted petition and supplemental oath/declaration add an inventor who is not cited on the file wrapper label (or PALM bibliographic data sheet).**

- The publication database contractor amends the file wrapper label (or PALM bibliographic data sheet) in blue to provide the missing inventor information. If a petition under 37 CFR 1.48 to add the inventor is present, but the petition has not been granted, the contractor returns the file to the PTO as a “printer waiting” **QUERY**.
- PALM must be corrected.

■ **The sequence of inventors presented on the file wrapper label (or PALM bibliographic data sheet) differs from that presented on the oath/declaration or ADS, or on a subsequent paper changing the order of inventors.**

- The publication database contractor captures for publication the inventors in the order presented on the oath/declaration or subsequent paper. No PALM correction is necessary.

■ **The name of an inventor who has been deleted is present on the file wrapper label (or PALM bibliographic data sheet).**

- The publication database contractor amends the file wrapper label (or PALM bibliographic data sheet) in blue to delete the inventor.
- PALM must be corrected.

■ **An inventor’s name on the declaration and in PALM lacks “one given name without abbreviation” as required by MPEP 605.04(b), e.g., initials only are presented as given names.**

- If a supplemental declaration or other paper provides given name(s) for applicant, the data base contractor captures the name(s) for publication.
- PALM must be corrected.
- If a supplemental declaration or other paper establishes that the inventor has no given names or only initials as given names, the publication database contractor follows copy.
- If neither of the above is true, the contractor returns the file to the USPTO as a “printer waiting” **QUERY**.

- **The residence and mailing address are omitted from the oath/declaration for the application (e.g., form PTO/SB/01A is used).**
 - The data base contractor looks for an application data sheet (ADS). If an ADS is present, the residence and post office address for the inventor provided on the ADS is used.
 - If there is no residence or post office information included in either an executed oath or declaration or an ADS, the contractor returns the file to the PTO as a “printer waiting” **QUERY**.

Composition

The inventor data is printed in the left column immediately below the title of the invention.

The INID code for the inventor data is (75) when (73) Assignee data is being printed.

The INID code for the inventor data is (76) when no (73) Assignee data is being printed.

- INID code (75) or (76) and the heading Inventor: (including the colon) are printed as follows:
 - 9-point
 - Times New Roman
 - uppercase and lowercase
 - pluralize heading to Inventors: when more than one inventor is named
- The names of inventors are printed as follows:
 - 9-point
 - Times New Roman Bold
 - uppercase and lowercase
- The names of heirs, executors, etc. are printed as follows:
 - 9-point
 - Times New Roman
 - uppercase and lowercase
- Residence data and mailing address data are printed as follows:
 - 9-point
 - Times New Roman
 - uppercase and lowercase
- Additional printing instructions:

narrative style. Print the inventor name and residence (or mailing address) in narrative style, right-justified wherever possible (but permit unjustified lines in order not to violate the hyphenation rule stated below).

hyphenation. Proper names will not be hyphenated to carry over to the next line, unless a hyphen is part of the correct spelling of the name.

residence. The residence will consist of the following elements and will be punctuated as shown in the examples:

- **U.S. :** city name & two-character state code & two-character code (US)

Paris, TX (US)

- **foreign :** city name & two-character country code

Paris (FR)

mailing address. The mailing or post office address will consist of the following elements and will be punctuated as shown in the examples:

- **U.S. :** street, city, p.o. box, ZIP code, etc., including two-character state code & two-character code (US)

12345 Main St., Bonnie Doone, NC
28303 (US)

- **foreign :** street, city, postal code, etc., including two-character country code

7 Rawlinson Way, Fell Foot, Newby
Bridge, Cumbria, LA12 8NW (GB)

joint inventors. The inventors will be presented in sequence, with each inventor's name residence or mailing address shown after his/her name, in narrative style, and will be punctuated as shown in the examples.

Harry U. Angstrom, Brewer, PA (US);
Janice Ursula Angstrom, Brewer (PA)
(US); Phoebe S. Caulfield, New York,
NY (US)

diacritical marks. To be printed when shown in the source.

abbreviations. Those such as St., Ave., Blvd., etc. will be printed. However, Twp . should be captured as Township, and Co . (for County) should be captured as County.

<p style="text-align: center;">E X A M P L E S of composed inventor data (front page)</p>

when INID (73) assignee data is also being printed:

(75) Inventor: **Karen E. Richardson**, Manderley,
NC (US)

or

(75) Inventors: **Gina O. Giraldi**, Milan (IT); **Rolf**
C. Erdmann, Sandhofen (DE)

when there is no assignee data:

(76) Inventor: **Robert D. Smith**, 123 Main St., Hayne,
NC 00110 (US)

or

(76) Inventors: **James R. White**, 55 Elm Ave., Spivey's
Corner, NC 55555 (US); **Samuel Ross**
Vye, 1053 Krauss Rd., Alexandria, VA
99999 (US)

when there are multiple inventors:

(75) Inventors: **Karen E. Robertson**, Eastover, NC
(US); **Albert R. Denfield**, Eastover,
NC (US)

or

(75) Inventors: **Dante N. Virgil**, Bonnie Doone, NC
(US); **Al B. Good**, Stedman, NC (US);
Doane B. Good, Stedman, NC (US)

or

(76) Inventors: **Richard D. Norman**, 12 Lionheart St.,
Ashby, PA 00001 (US); **Ivanhoe D.**
Saxon, 4432 Scott Ave., Ashby, PA
00001 (US)

when an inventor is also an assignee:

In these examples the assignee data is also shown.

- (75) Inventors: **Mary Lee Smith**, 6562 North St.,
Olinger, PA 77777 (US); **Fred J.
Jones**, Philadelphia, MS (US)
- (73) Assignee: **Mary Lee Smith**, Olinger, PA (US).

or

- (75) Inventors: **Salvatore A. Paradino**, Rome (IT);
Mia I. Freiman, 908 E. Castle Dr.,
Dorke, NC 99999 (US); **William H.
Harrison**, Rye, VA (US); **Ben J.
Harrison**, 88 Keys Blvd., Exton, MD
88888 (US); **Gianni E. Paradino**,
New York, NY (US)
- (73) Assignees: **Mia I. Freiman**, Dorke, NC (US);
Ben J. Harrison, Exton, MD (US)

when the inventor is deceased:

If (73) Assignee data is also being printed:

- (75) Inventor: **John Beresford Tipton**, deceased,
late of New York, NY (US); Olivia
Anne Tipton, heiress

or

- (75) Inventors: **John E. Dough**, Boston, MA (US);
John Beresford Tipton, deceased,
late of New York, NY (US); Olivia
Anne Tipton, heiress; **George Q.
Walsh**, Wye, ME (US)

or

- (75) Inventor: **James Heresford Lipton**, deceased,
late of New York, NY (US); Ellen D.
Baye, Jr., legal representative; Clara
C. Lipton, legal representative

If no (73) Assignee data is being printed, the mailing address of the heir, executor, etc. will be printed if it is available. The deceased inventor's mailing address will not be printed, even if the mailing address of the heir, executor, etc. is unavailable.

- (76) Inventor: **Jules Meresford Pipton**, deceased,
late of Hope, NY (US); John H. Doe,
heir, 141 Teal Ave., Hope, NY 00000
(US)

when there is a change of name for an inventor:

(75) Inventor: **Mark Twain**, Hannibal, MO (US),
now by change of name from Samuel
L. Clemens

when the inventor's residence is a branch of the U.S. armed forces:

(75) Inventor: **Alexander D. Grade**, U.S. Army (US)

8. *Assignee Data*

Data Source

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see code IFEE (Form PTOL-85B, Issue Fee Transmittal).

In an IFW application the source for the assignee data is Box 3 of the IFEE.

* * *

The sole source for assignee data is Form PTOL-85, PART B – FEE(S) TRANSMITTAL.

The assignee data consists of the assignee name(s) plus residence(s), the latter consisting of the city name + state code + US country code, or city name + foreign country code.

The assignee data that gets captured and printed is the assignee data that the applicant has entered on Form PTOL-85B. If the applicant wants the assignee data to be printed on the patent, it is the applicant's responsibility to enter the correct assignment data onto Form PTOL-85B. If the patent in actuality is assigned, yet the applicant fails to enter the assignment data onto Form PTOL-85B, then the patent will be printed as if there is no assignment—that is, no assignee data will be captured and the inventor's mailing address will be captured, as shown in 7. *Inventor Data*.

See MPEP Chapter 300, **Ownership and Assignment**, especially Section 307. Also, see MPEP 1309.

Pre-Capture Verification

The assignee information on Form PTOL-85B is accepted as correct and is not otherwise verified. There is no cross-checking with the PTO's assignment records.

Before capturing the inventor data, the publication database contractor should keep the following in mind:

when substitute version of Form PTOL-85B is used. Some applicants create their own issue fee transmittal forms that mimic Form PTOL-85B. When such a form is used by an applicant, it will be treated as if it is an official Form PTOL-85B, and any assignee data on the substitute Form PTOL-85B will be captured.

when neither official nor substitute Form PTOL-85B is used. The applicant is not required to use Form PTOL-85B when he/she submits the issue fee. When the applicant does not use Form PTOL-85B or does not use a substitute form that mimics Form PTOL-85B, no assignee data will be captured.

when assignee data is incomplete on Form PTOL-85B. If the assignee data is incomplete, it will be captured in the incomplete form. For example, if Form PTOL-85B shows an assignee name but does not show an assignee residence, the assignee name will be captured.

when Form PTOL-85B shows assignee's post office address. Only the assignee's residence (city name + U.S. state code + US country code, or city name + foreign country code) is to be captured. Other assignee address elements that appear on Form PTOL-85B (street, province, postal code, etc.) are not to be captured.

multiple names for same assignee. See MPEP 307 and MPEP 1309, each of which says, "Only the first appearing name of an assignee will be printed on the patent where multiple names of the same party are identified on the Issue Fee Transmittal form, PTOL-85B." The MPEP says that multiple names for an assignee may occur when the assignee is identified by both a "legal name and an 'also known as' or 'doing business as' name." If the multiple names for the same assignee are connected in the source by the wording doing business as or d.b.a. or also known as or a.k.a. or formerly known as or previously known as or now known as, the publication data base contractor will capture the "first appearing name" only:

source version: ExeWye, Inc., doing business as Joe's Mortars & Pestles
print version: **ExeWye, Inc.**

If the multiple names for the same assignee are connected in the source by any other wording, the publication data base contractor will capture the assignee names as they are presented in the source (and will capture the connective wording in lower case):

source version: Zee Corporation, division of Aitch Industries
print version: **Zee Corporation, division of Aitch Industries**

If the source shows English and non-English names for the same assignee, the publication data base contractor will capture the English version of the name, even if the non-English version of the name is the "first appearing name."

source version: Comédie Humaine S.A./Human Comedy Corporation
print version: Human Comedy Corporation

business category terms. When such terms as the following appear in the assignee information on Form PTOL-85B, they will not be captured (they may, however, be useful in helping to determine the "assignee type" code, see below under **Assignee Type Code [Full Text Only]**):

- a company of Sweden
- a Swiss company
- a corporation of Norway
- a firm
- a public establishment of France
- a partnership

numerical part interest. When such terms as the following appear in the assignee information on Form PTOL-85B, they will be not be captured:

- half interest to
- 10% interest to
- $\frac{1}{4}$ interest to

Instead, the fact that the assignee holds a part interest will be indicated by the printing of the phrase a part interest [one assignee] or the phrase part interest to each [multiple assignees] at the end of the assignee data. See **Print/Image Composition** below.

when U.S. government is the assignee. The source's usual wording is the following: The United States of America, as represented by the [position title, such as Secretary of Defense, Administrator of the National Aeronautics and Space Administration, etc.], Washington, D.C. Sometimes the assignee name will be given simply as The United States of America. The U.S. government assignee name is to be captured as it appears on Form PTOL-85B.

when assignee is also inventor. When a joint inventor is identified as an assignee on Form PTOL-85B (Issue Fee Transmittal), his or her mailing address will be captured in the inventor data. The inventor/assignee's name and residence (city name + U.S. state code + US country code, or city name + foreign country code) will be captured as the assignee data. See **7. Inventor Data**.

township and/or county in U.S. assignee's residence. In place of a U.S. city name, Form PTOL-85B may show a township name and/or a county name. When this happens, the data base contractor will capture the township name and/or the county name.

variant U.S. city spellings. When variant spellings are shown for U.S. city names, the spelling on the oath/declaration will be captured. For example, a joint inventor's city on the oath is shown as St. Louis, but that same inventor is named as the assignee

on Form PTOL-85B and his city there is shown as Saint Louis. The city name would be captured as St. Louis not only in the inventor data but also in the assignee data. See 7. *Inventor Data*.

foreign city spellings. If the assignee's foreign city name appears in *Appendix C: FOREIGN CITY "PRINT VERSION" LIST*, use the "print version" that appears on the list. Otherwise, capture the name as it appears on Form PTOL-85B. For example, if Form PTOL-85B says that the assignee is from Wien, Austria, the city name will be captured as Vienna. However, the city name for an assignee from Zwettl, Austria, will be captured without alteration. (See also 7. *Inventor Data*.)

NOTE about an exception to the above: If, on the oath/declaration or application data sheet (ADS), an inventor/assignee uses the "foreign" spelling of a city name which appears on the Appendix C list, that "foreign" spelling of the city name will be printed in all the relevant bibliographic fields on the patent front page. For example, there are three joint inventors from the same foreign city, one of whom is also the assignee. On the oath, the inventor/assignee spells his city name as Wien. It does not matter whether the other two inventors use Wien or Vienna on the oath, or whether the inventor/assignee uses Vienna in the assignee section of Form PTOL-85B. The inventor/assignee's city spelling on the oath (Wien) will be used for all three inventors in the inventor data and for the inventor-as-assignee in the assignee data (see 7. *Inventor Data*).

when an heir, executor, etc. is shown as assignee. If Form PTOL-85B shows that the assignee is the heir, executor, etc. of a deceased inventor, the name of the heir, executor, etc., will not be captured as assignee data. Information relating to the heir, executor, etc. will be captured as part of the inventor data. See 7. *Inventor Data*.

deceased assignee. If an assignee who is not an inventor dies during the prosecution of the application, the name and residence of the heir, executor, etc. should appear in the assignee information on Form PTOL-85B. The name and residence of the heir, executor, etc., is to be captured as they appear on Form PTOL-85B. Any reference on Form PTOL-85B to the deceased assignee is not to be captured. For example, if Form PTOL-85B shows the assignee information as follows:

Henry J. Green, deceased, Mary Ellen Green,
administratrix, Reading, Pa.

The assignee name to be captured is Mary Ellen Green and the assignee's residence to be captured is Reading, Pa.

deceased inventor/assignee. If an inventor/assignee dies during the prosecution of the application, the name of the heir, executor, etc. may appear in the assignee information on Form PTOL-85B. When this happens the assignee data to be captured will include data about both the deceased inventor/assignee and the heir, executor, etc. See Composition below.

Assignee Type Code [Grant Red Book only]

The publication database contractor, using the assignee information on Form PTOL-85B, must determine the "type" of each assignee. Form PTOL-85B includes "assignee category" check-boxes by which the applicant can indicate whether the assignee is an individual, a corporation or other private entity, or a government entity. Otherwise, using the assignee name and residence data, the data base contractor must look at the assignee information on Form PTOL-85B and determine the correct assignee type code, which—although it's not printed on the patent front page—does appear in the Grant Red Book version of the patent, where it is tagged as <B732US>. See **Grant Red Book Cross-Reference** below.

What follows is additional information about determining the correct two-position numeric assignee type code, which is to be tagged <B732US>:

- The numeral in the first position will be either a 0 (zero) or a 1 (one).

0 is in the first position when the patent is 100% assigned. A patent is 100% assigned when either there is no indication on Form PTOL-85B of a partial assignment or the partial assignments shown on Form PTOL-85B do not add up to 100%.

1 is in the first position when the patent is less than 100% assigned—that is, the partial assignments with fractional interests do not add up to 100%.

- The numeral in the second position is one of the following eight codes:

- 2 U.S. company or corporation
- 3 foreign company or corporation
- 4 U.S. individual
- 5 foreign individual
- 6 U.S. government
- 7 foreign government
- 8 county government (U.S.)
- 9 state government (U.S.)

- Examples:

<u>entry on Form PTOL-85B</u>	<u>"Assignee Type" code</u>
Beta Gamma Ltd., Tokyo, Japan	03
Beta Gamma Ltd., Tokyo, Japan, part interest	13
John J. Jones, Jamestown, N.Y., part interest;	14
Thomas E. Evans, New York, N.Y., part interest	14

John J. Jones, Jamestown, N.Y., half-interest;	04
Thomas E. Evans, New York, N.Y., half-interest	04
John J. Jones, Jamestown, N.Y.;	04
Exe Wye Zee, Inc., Philadelphia, Pa.	02
John J. Jones, Jamestown, N.Y.;	14
Exe Wye Zee, Inc., Philadelphia, Pa.,	12
¼ interest each	

■ The following instructions pertain to Block 3 of Form PTOL-85B:

assignee name and residence in Block 3. The applicant will have entered this information into Block 3 (that is, under 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT).

assignee category boxes on Block 3. To facilitate the publication database contractor's determination of the correct two-numeral code, in Block 3 the applicant is requested to check the appropriate assignee category box to indicate whether the assignee is an individual, a corporation or other private corporate entity, or a government entity.

- ***one assignee named; assignee category box marked***

In Block 3, the publication database contractor will look at the checked assignee category box to determine if an assignee is an individual, a private corporate entity, or a government entity, and the data base contractor will read under (B) RESIDENCE: STATE OR COUNTRY to determine if the assignee is U.S. or foreign. In some instances—such as determining whether a U.S. government assignee is federal, state, or county—the information under (A) NAME OF ASSIGNEE may be conclusive.

- ***multiple assignees named; assignee category box(es) marked***

In Block 3, when multiple assignees are named and one assignee category box is checked, or when multiple assignees are named and multiple assignee category boxes are checked, the publication database contractor will not initiate a "printer waiting" query if the assignee category indications are ambiguous, but instead will determine the assignee type code(s) by reading the information available in Block 3.

- ***non-marking or inaccurate marking of category box(es)***

In Block 3, when the applicant has entered an assignee's name and residence but has not checked an assignee category box, or when it appears that an applicant has checked assignee category box(es) inaccurately, the publication database contractor will not initiate a "printer waiting" query, but instead will determine the assignee type code(s) by reading the information available in Block 3.

- Examples #1–#6 show the use of Block 3 in the determination of assignee type codes.

Example #1

(A) NAME OF ASSIGNEE (B) RESIDENCE (CITY and STATE OR COUNTRY)

John J. Stentor, Jr. Spivey's Corner, N.C.

☒ individual ☐ corporation or other private group entity ☐ government

➔ The assignee type code would be **04** (U.S. individual).

Example #2

(A) NAME OF ASSIGNEE (B) RESIDENCE (CITY and STATE OR COUNTRY)

Diggory Venn, Ltd. Tolpuddle, U.K.

☐ individual ☒ corporation or other private group entity ☐ government

➔ The assignee type code would be **03** (foreign corporation).

Example #3

(A) NAME OF ASSIGNEE (B) RESIDENCE (CITY and STATE OR COUNTRY)

Trustees of Gant
State College Altamont, N.C.

☐ individual ☐ corporation or other private group entity ☒ government

➔ The assignee type code would be **09** (U.S. state government).

Example #4

(A) NAME OF ASSIGNEE (B) RESIDENCE (CITY and STATE OR COUNTRY)

Auguste Dupin, ½ interest Paris, France

☒ individual ☐ corporation or other private group entity ☐ government

➔ The assignee type code would be **15** (foreign individual).

Example #5

(A) NAME OF ASSIGNEE (B) RESIDENCE (CITY and STATE OR COUNTRY)

(1) Weller Inc. (1) Rye, New York
(2) Smike & Co. (2) Leeds, U.K.

☐ individual ☒ corporation or other private group entity ☐ government

➔ The assignee type codes would be 02 (U.S. company or corporation) and 03 (foreign company or corporation).

Example #6

(A) NAME OF ASSIGNEE	(B) RESIDENCE (CITY & STATE OR COUNTRY)
----------------------	---

Quilty & Son	Ithaca, N.Y.
Vivian Darkbloom	Ramsdale, N.H.

☒ individual ☒ corporation or other private group entity ☐ government

➔ The assignee type codes would be 02 (U.S. company or corporation) and 04 (U.S. individual).

Composition

The assignee data is printed so that it follows the inventor data in the left column.

The INID code for assignee data is (73).

- INID code (73) and the heading Assignee: (including the colon) are printed as follows:

- 9-point
- Times New Roman
- uppercase and lowercase
- pluralize heading to Assignees: when more than one assignee is named

- Assignee name(s) are printed as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase

- Assignee residence data and all other assignee data are printed as follows:

- 9-point
- Times New Roman
- uppercase and lowercase

- Additional printing instructions:

narrative style. Print the assignee name and residence in narrative style, aligned with the inventor data. Right-justify wherever possible (but permit unjustified lines in order not to violate the hyphenation rule stated below).

hyphenation. Proper names will not be hyphenated to carry over to the next line, unless a hyphen is part of the correct spelling of the name.

residence. The assignee residence will consist of the following elements and will be punctuated as shown in the examples:

- **U.S. :** city name & two-character state code & two-character code (US)

Paris, TX (US)

- **foreign :** city name & two-character country code

Paris (FR)

mailing address. See the information under the heading **when inventor is also assignee** in 7. *Inventor Data*.

multiple assignees. The assignees will be presented in sequence, with each assignee's name and residence (or mailing address) shown after the name, punctuated as shown in the examples.

ABC Tinctures & Dyes, Brewer, PA
(US); Reddle Ltd., Egdon Heath (GB)

part interest. See the information under the heading **numerical part interest** in Pre-Capture Verification above. When such terms as the following appear in the source, they will not be captured and printed:

half interest to
10% interest to
¼ interest to

Instead, the fact that an assignee holds a part interest will be indicated by the printing of the words `part interest` at the end of the assignee's data:

Exe Wye Zee Corp., Dumas, LA (US),
part interest; Jean E. Wye, Dumas, LA
(US), part interest

diacritical marks. Print any diacritical marks that appear in Block 3 of Form PTOL-85B.

abbreviations. Those such as St., Ave., Blvd., etc. will be printed. However, Twp. should be captured as Township, and Co. (for County) should be captured as County.

NOTE: When "E. I. du Pont de Nemours and Company" (or a variant) appears in uppercase/lowercase as the assignee name on Form PTOL-85B, the data base contractor will capture the name according to how it is capitalized on the form. However, if an all-uppercase version of the name should appear on the form, the data base contractor will capture the name in uppercase/ lowercase, to include **du Pont** with a lowercase **d**. For example:

source version: E. I. du Pont de Nemours and Company
print version: **E. I. du Pont de Nemours and Company**

source version: E. I. Du Pont de Nemours and Company
print version: **E. I. Du Pont de Nemours and Company**

source version: E. I. DU PONT DE NEMOURS AND COMPANY
print version: **E. I. du Pont de Nemours and Company**

<p style="text-align: center;">E X A M P L E S of composed assignee data (front page)</p>

when there is one assignee:

(73) Assignee: **Exe Wye Zee Corp.**, Lodi, NJ (US)

when there are multiple assignees:

(73) Assignees: **Hardy Ltd.**, Nether Plye (GB); **Vye & Sons**, Nether Plye (GB)

when there is one assignee with a part interest:

(73) Assignee: **John W. Johnson**, Rye, NY (US),
part interest

when there are multiple assignees with part interests:

(73) Assignee: **Reddle Dyes Inc.**, Hardy, NC (US),
part interest; **Sam E. Dorset**, Vye,
VT (US), part interest

when there is an inventor/assignee:

In this example the inventor data is also shown.

(75) Inventors: **Mary Lee Smith**, 6562 North St.,
Olinger, PA 77777 (US); **Fred J. Jones**, Oxford, MS (US)

(73) Assignee: **Mary Lee Smith**, Olinger, PA (US)

when there is a government assignee:

(73) Assignee: **The United States of America as
represented by the Secretary of
Defense**, Washington, DC (US)

9. *Term Notice*

Overview

20-Year-Term (CPA) Notice [The CPA procedure for utility and plant applications is eliminated as of July 14, 2003. The CPA procedure continues for design applications only.] To be printed on a utility patent or plant patent issuing from a “continued prosecution application” (CPA). The trigger for printing the notice is the USPTO’s placement of a blue CPA label on the face of a paper file wrapper, or the presence of code **ACPA** or code **DCPA** in the table of contents of an IFW file. The notice’s wording is non-variable.

**Patent Term Adjustment/
Extension (PTA/PTE)
Notice**

To be printed on the front page of every utility (and plant) patent. When there is no extension/adjustment of the patent term, the notice shows the number of extension/adjustment days as 0 (zero). When the patent term has been extended/adjusted, the notice specifies the number of days of extension/adjustment. The patent term adjustment (PTA) procedures apply to applications filed on or after May 29, 2000. The patent term extension (PTE) procedures apply to applications filed on or after June 8, 1995, and before May 29, 2000. The PTA/PTE calculation is made by PALM once the issue date is known.

Terminal Disclaimer Notice To be printed on a patent that is subject to any kind of terminal disclaimer. The trigger for printing a terminal disclaimer notice is the USPTO’s entry of a terminal disclaimer indication onto the face of a paper file wrapper, or the presence of code **DISQ** in the table of contents of an IFW file. The notice’s wording is non-variable.

20-Year-Term (CPA) Notice

The CPA procedure for utility and plant applications is eliminated as of July 14, 2003.
The CPA procedure continues for design applications only.
The 20-year-term (CPA) notice will continue to be printed on patents issuing from utility CPA and plant CPA applications, paper applications with blue labels and IFW applications with code **ACPA** or **DCPA** in the table of contents, allowed after July 14, 2003.]

Data Source (CPA)

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see codes **ACPA** (continuing prosecution application – continuation) and **DCPA** (continuing prosecution application – divisional).

If code **ACPA** or **DCPA** is present in the Image File Wrapper Table of Contents (TOC), then a CPA (20-year-term) notice will be printed on the patent front page.

Other “CPA” codes such as **ICPA** or **MCPA** will not be used as triggers for printing the notice. The CPA box on the IIFW (File Wrapper Issue Information) will be ignored by the publication database contractor.

* * *

When a utility patent (or plant patent) issues from an application, which had CPA (continued prosecution application) activity during its prosecution, that patent will have a 20-year term. A 20-year-term notice will be printed on the front page of any such patent.

The data source (trigger) for printing the 20-year-term notice on the front page of a utility (or plant) patent is the presence of a bright blue CPA label on the face of that utility (or plant) file wrapper. If there is no CPA label on the face of the utility or plant file wrapper, then the 20-year-term notice is not to be printed on the patent front page.

NOTE: Under *13B. Related U.S. Application Data*, see the section entitled **Continued Prosecution Application (CPA)**. Although CPA activity is not “related U.S. application data” in the usual sense, the CPA procedure is explained under *13B. Related U.S. Application Data* inasmuch as the CPA procedure replaced the FWC (file wrapper continuing) procedure for applications filed on or after December 1, 1997.

Pre-Capture Verification (CPA)

For the publication database contractor’s purposes, the application is a CPA file if on the face of the file wrapper there is a bright blue CPA label.

It is the PTO’s responsibility to place this blue label on each file whose prosecution includes CPA activity.

The publication database contractor is not required to verify that CPA request papers are present in the file wrapper.

When the blue label is missing from a CPA file or when the blue label is present on a non-CPA file, the publication database contractor will not be held responsible for any consequent printing errors.

In *12. Related U.S. Application Data* see the section entitled **Continued Prosecution Application (CPA)** for further instructions.

Composition (CPA)

See *5. Patent Date* for instructions about the printing of the patent term notice indicator (asterisk) in the masthead. One such asterisk will be printed, no matter how many term notices appear on the patent front page.

The 20-year-term (CPA) notice will follow the assignee data. If there is no assignee data, the 20-year-term (CPA) notice will follow the inventor data.

No INID code will be printed with the 20-year-term (CPA) notice.

■ The 20-year-term (CPA) notice's non-variable content is the following:

(*) Notice: This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).

■ The asterisk within brackets, the side-heading Notice: (including the colon), and the 20-year-term notice itself will be printed as follows:

- 9- on 10-point
- Times New Roman
- uppercase and lowercase

Patent Term Adjustment/Extension (PTA/PTE) Notice

Data Source (PTA/PTE)

weekly PTA/PTE procedure. The patent database contractor provides a weekly issue list to a USPTO secure server. The weekly issue list shows each application number and the patent number that has been assigned to it.

The USPTO's Patent Application Location and Monitoring (PALM) system uses the weekly issue list to calculate the PTA/PTE number of days and creates a PALM contents entry PTAC.

PALM generates a web-based report of PTA/PTE calculations in a five-column format, delimited by commas and containing leading zeros. The first line of the report shows the calendar week (WW) of the issue date, followed by the issue date in YYYYMMDD format. Each of the next lines shows the following:

first column	application number
second column	patent number
third column	number of PTA days
fourth column	number of PTE days
fifth column	number of days to be captured and published in PTA/PTE notice

For example:

issue date
↓
1320040330
↑
calendar week number

08261668,6713072,00000,00217,00217

↑ ↑ ↑ ↑ ↑
appl. no. pat. no. PTA PTE no. of days
 days days to be captured

The web-based report is made available to the publication database contractor.

The publication database contractor captures the value in the fifth column and transfers it into the PTA/PTE field.

PTE upper limit cap. Although there is no limit to the number of patent term adjustment (PTA) days, a patent term extension (PTE) cannot extend beyond five years. Consequently, when the number of days in the fourth (PTE) column exceeds 01825 (as in the example below) the number of days to be captured is 1,825.

06864481,6714306,00000,05287,05287

 ↑ ↑
 The number of PTE days is capped at 1,825.

Composition (PTA/PTE)

See **5. Patent Date** for instructions about the printing of the patent term notice indicator (asterisk) in the masthead. One such asterisk will be printed, no matter how many term notices appear on the patent front page.

The PTE/PTA notice will follow the assignee data. If there is no assignee data, the 20-year-term (CPA) notice will follow the inventor data.

No INID code will be printed with the patent term extension notice.

- The asterisk within parentheses, the side-heading Notice: (including the colon), and the PTE/PTA notice itself will be printed as follows:

- 9- on 10-point
- Times New Roman
- uppercase and lowercase
- print comma when number is four digits

- The number of PTE/PTA days either will be a zero or will be a number of one, two, three, or four digits. The following examples show the required wording:

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1 day.

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 11 days.

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 111 days.

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1,111 days.

Terminal Disclaimer (TD) Notice

Data Source (TD)

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see code DISQ (terminal disclaimer approved in Technology Center).

If code DISQ is present in the Image File Wrapper Table of Contents (TOC), then a terminal disclaimer notice will be printed on the patent front page.

The T.D. box on the IIFW (File Wrapper Issue Information) will be ignored by the publication database contractor.

* * *

A notice will be printed on the front page of any patent that is subject to a terminal disclaimer. The notice will say, "This patent is subject to a terminal disclaimer."

The data source (trigger) for printing a terminal disclaimer notice is the PTO's entry of a terminal disclaimer indication onto the face of the file wrapper. See **Pre-Capture Verification** below.

Pre-Capture Verification (TD)

■ 10 Series applications

A terminal disclaimer notice will be printed on the patent's front page whenever the **0 TERMINAL DISCLAIMER** box has been marked and the mark has not been crossed through or otherwise deleted.

The publication database contractor is not required to inspect the **CONTENTS** flap for an indication that a terminal disclaimer was approved.

The publication database contractor is not required to inspect the file for terminal disclaimer papers.

If the ☐ **TERMINAL DISCLAIMER** box has not been marked, yet the publication database contractor encounters within the file some other indication that a terminal disclaimer was approved, the publication database contractor may elect to initiate a “printer waiting” query.

■ **09 Series applications and other applications filed on or after December 30, 1997**

A terminal disclaimer notice will be printed on the patent front page whenever at least one of the following conditions has been met:

The ☐ **TERMINAL DISCLAIMER** box has been marked (and the mark has not been crossed through or otherwise deleted).

OR

One of the ☐ **a**), ☐ **b**), ☐ **c**) boxes has been marked (and the mark has not been crossed through or otherwise deleted).

OR

Information (such as date, patent number, number of months) has been entered into the space provided in the pre-printed terminal disclaimer section **a**) and/or section **b**) and/or section **c**) (and the information has not been crossed through or otherwise deleted).

■ **08 Series (and earlier) applications and other applications filed before December 30, 1997**

A terminal disclaimer notice will be printed on the patent front page whenever at least one of the following conditions has been met:

A “green label” (as described in MPEP 1490) has been affixed to the face of the file wrapper.

OR

At least one red-ink **NOTE-DISCLAIMER** has been stamped onto the face of the file wrapper (and has not been crossed through or otherwise deleted).

NOTE: The USPTO may or may not have entered information (such as date, patent number, or number of months) into the ink-stamped **NOTE-DISCLAIMER**. It is acceptable if no information has been entered into the ink-stamped **NOTE-DISCLAIMER**, that is, if there is an ink-stamped **NOTE-DISCLAIMER** and no information has been entered into it, a terminal disclaimer notice will be printed on the patent front page. If information has been entered into the ink-stamped **NOTE-DISCLAIMER** and the information has been deleted, yet the ink-stamped **NOTE-DISCLAIMER** in its entirety has not been deleted, a terminal disclaimer notice will be printed on the patent front page.

■ **USPTO responsibility for correctly indicating terminal disclaimer on face of file wrapper**

The database contractor is not required to verify the accuracy or completeness of the USPTO's marking of a **0 TERMINAL DISCLAIMER** box or an ink-stamped **NOTE-DISCLAIMER**.

The database contractor is not required to inspect the **CONTENTS** flap for an indication that a terminal disclaimer was approved.

The database contractor is not required to inspect the file for terminal disclaimer papers.

If the face of the file wrapper shows no terminal disclaimer indication, yet the database contractor encounters within the file some other indication that a terminal disclaimer was approved, the database contractor may elect to initiate a "printer waiting" query.

However, it is the USPTO's responsibility to enter the proper terminal disclaimer indication onto the face of the file wrapper, and the database contractor will not be held responsible if the USPTO's improper marking of the face of the file wrapper leads to the erroneous printing of a terminal disclaimer notice or to the erroneous omission of a terminal disclaimer notice.

Composition (TD)

See **5. Patent Date** for instructions about the printing of the patent term notice indicator (an asterisk) in the masthead. One such asterisk will be printed, no matter how many term notices appear on the patent front page.

The terminal disclaimer notice will follow the assignee data on the patent front page. If there is no assignee data, the terminal disclaimer notice will follow the inventor data.

No INID code will be printed with the terminal disclaimer notice.

- The asterisk within parentheses, the side-heading Notice: (including the colon), and the notice itself will be printed as follows:

- 9-point
- Times New Roman
- uppercase and lowercase

- The terminal disclaimer notice will show the following non-variable wording:

(*) Notice: This patent is subject to a terminal disclaimer.

Multiple Notices

When there are multiple notices, the asterisk in parentheses and the side-heading Notice: (including the colon) will be printed once.

When multiple notices are present, they will follow this order:

- 20-year-term (CPA) notice
- patent term extension/adjustment (PTE/PTA) notice
- terminal disclaimer (TD) notice

Example:

(*) Notice: This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).

Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

10. Application Number

Data Source

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see code BIB (PALM bibliographic data sheet).

In an Image File Wrapper the source for the application number is the SERIAL NUMBER box on the BIB document.

* * *

In a Series 10 file wrapper the publication database contractor's data source for the capture of the application number is the **APPL NUM** box on the adhesive file wrapper label affixed to the face of the file wrapper. However, for a Series 10 file wrapper that does not have a file wrapper label, the data source will be the **SERIAL NUMBER** on the PALM bibliographic data sheet located inside the file wrapper. (See the **NOTE** below).

NOTE: For a Series 10 application filed in 2001, the USPTO's Office of Initial Patent Examination (OIPE) created a PALM bibliographic data sheet for the application before sending it to the appropriate Technology Center for examination.

In early January 2002 OIPE started using adhesive file wrapper labels on Series 10 file wrappers but also continued to print PALM bibliographic sheets for those file wrappers. That is, beginning in early January 2002 an application going from OIPE to a Technology Center for examination would likely show both a file wrapper label and a PALM bibliographic data sheet.

Effective May 7, 2002, OIPE discontinued the practice of printing PALM bibliographic data sheets for Series 10 applications. That is, the currently policy is that an adhesive file wrapper label (but no PALM bibliographic data sheet) will be used on each Series 10 application going from OIPE to a Technology Center for examination.

According to USPTO guidelines, if a replacement file wrapper label is needed when a Series 10 application is allowed, the patent examiner should see that a replacement file wrapper label is generated. However, it will still be possible to generate a PALM bibliographic data sheet for an application of any series, including Series 10.

In a Series 09 file wrapper the data source for the capture of the application number is the **SERIAL NUMBER** on the PALM bibliographic data sheet located inside the file wrapper.

In a Series 08 or earlier file wrappers the application number to be captured will appear twice in the upper left area of the face of the file wrapper: in the **Utility Serial Number** box it will be stamped onto the file wrapper, and it will be keyed into the **Serial Number Box** on the file wrapper label.

Although the terms "application number" and "serial number" are used interchangeably in the USPTO, the term "application number" is more accurately applied to the unique number composed of two elements: the two-character series code and the six-digit serial (sequential) number—for example, application number 10/001,234. Every few years a new series of serial numbers is started, beginning with 000,001 and continuing consecutively so as not to exceed 999,999:

- Series 02 is to be used for any application filed before January 1, 1948
- Series 03 began January 1, 1948
- Series 04 began January 1, 1960
- Series 05 began January 1, 1970
- Series 06 began January 1, 1979
- Series 07 began January 1, 1987
- Series 08 began January 1, 1993
- Series 09 began December 30, 1997
- Series 10 began October 24, 2001.
- Series Code 90 is used for reexamination request numbers, as of July 1, 1981.
- Series Code 29 is used for design application numbers, as of October 1, 1992.
- Series Code 60 is used for provisional application numbers, as of June 8, 1995.

Pre-Capture Verification

The data base contractor will return the file with a "printer waiting" **QUERY** if it appears that the application number in the data source is incorrect (for example, if it does not match the application number that is stamped onto the **CONTENTS** flap and that appears on the bar code that is affixed to the **CONTENTS** flap).

Composition

If there is a term notice, the application number immediately follows it. If there is no term notice, the application number immediately follows the assignee data. If there is no term notice and no assignee data, the application number immediately follows the inventor data.

■ INID code (21) and the heading Appl. No.: (including the colon) are printed as follows:

- 9-point
- Times New Roman
- uppercase and lowercase

■ The application number itself is printed as follows:

- 9-point
- Times New Roman Bold
- The entire application number is to be printed—that is, a two-digit series code, a diagonal, and a six-digit sequential number (with a comma after the third digit).

For example:

- 09/000,012 is printed as

(21) Appl. No.: **09/000,012**

- 10/012,345 is printed as

(21) Appl. No.: **10/012,345**

- 10/123,456 is printed as

(21) Appl. No.: **10/123,456**

11. *Application Filing Date*

Data Source

- Source for application's U.S. filing date:

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see codes BIB (PALM bibliographic data sheet) and M903 (Form PTO/DO/EO/903).

In an Image File Wrapper the source for the INID (22) filing date is the FILING DATE box on the BIB document.

However, in the Image File Wrapper of the U.S. national stage of an international PCT application, the source for the INID (22) filing date is either the “This is a 371 of ...” line on the BIB document or the I.A. FILING DATE on the M903 document.

* * *

In a Series 10 file wrapper the publication database contractor's source for the capture of the application's U.S. filing date is the **FILING DATE** box on the adhesive file wrapper label affixed to the face of the file wrapper. However, for a Series 10 file wrapper that does not have a file wrapper label, the data source will be the **FILING DATE** on the PALM bibliographic data sheet located inside the file wrapper. (See the **NOTE** below).

NOTE: For a Series 10 application filed in 2001, the USPTO's Office of Initial Patent Examination (OIPE) created a PALM bibliographic data sheet for the application before sending it to the appropriate Technology Center for examination.

In early January 2002 OIPE started using adhesive file wrapper labels on Series 10 file wrappers but also continued to print PALM bibliographic sheets for those file wrappers. That is, beginning in early January 2002 an application going from OIPE to a Technology Center for examination would likely show both a file wrapper label and a PALM bibliographic data sheet.

Effective May 7, 2002, OIPE discontinued the practice of printing PALM bibliographic data sheets for Series 10 applications. That is, the currently policy is that an adhesive file wrapper label (but no PALM bibliographic data sheet) will be used on each Series 10 application going from OIPE to a Technology Center for examination.

According to USPTO guidelines, if a replacement file wrapper label is needed when a Series 10 application is allowed, the patent examiner should see that a replacement file wrapper label is generated. However, it will still be possible to generate a PALM bibliographic data sheet for an application of any series, including Series 10.

In a Series 09 file wrapper the publication database contractor's source for the capture of the application's U.S. filing date is the **FILING DATE** box on the PALM bibliographic data sheet located inside the file wrapper.

In a Series 08 or earlier file wrapper the publication database contractor's source for the capture of the application's U.S. filing date is the **Filing Date** box on the adhesive file wrapper label that is affixed to the face of the file wrapper.

35 U.S.C. 371 (PCT national stage) exception. If the application in hand was filed under 35 U.S.C. 371—that is, the application in hand is the U.S. "national stage" of an international application filed under the Patent Cooperation Treaty (PCT)—the above-described data source is not to be captured as the application's filing date. Instead, the international filing date (PCT filing date) is printed in place of the U.S. filing data at INID (22). See the **Composition** section under **12. National Stage PCT Data**.

■ Source for Rule 47 data:

See **Rule 47 Procedures** below.

See the **Composition** section here under **11. Application Filing Date**.

Pre-Capture Verification

The data base contractor will return the file with a "printer waiting" **QUERY** if the filing date appears to be incorrect (for example, the filing date on the face of the file wrapper is not the same as the filing date on the Notice of Allowance).

Rule 47 Procedures

* * *

In an Image File Wrapper (IFW) file the R.147 box on the IIFW (File Wrapper Issue Information) should be ignored by the publication database contractor.

In an IFW application if an inventor's signature is missing from the OATH and the application is a continuing application (that is, a continuation, a division, or a continuation-in-part), a Rule 47 petition may have been granted in a prior application, which means that the Rule 47 status carries forward to the continuing application. In such a case the publication database contractor will look at the papers filed under OATH to see if those papers include the granting of the Rule 47 petition in the prior application. If such a paper is present, the parenthetical notation (Under 37 CFR 1.47) should be printed beneath the filing date on the composed patent's front page.

Otherwise, when an inventor's signature is missing from the OATH in an IFW application, the publication database contractor should initiate a "printer waiting" query.

NOTE: As of this writing, IFW index codes are being developed that will enable the publication database contractor to identify a Rule 47 petition, a paper granting a Rule 47 petition, and a paper dismissing or denying a Rule 47 petition.

* * *

Some Features of the USPTO's "Rule 47" Processing

1. If the words "Rule 47" should appear beneath the **FILING DATE** box but a petition under 37 CFR 1.47 has not been granted, the USPTO will use **black** ink to line through those words.
2. When a petition under 37 CFR 1.47 is granted, a letter is sent to the non-signing inventor in which he/she is given official notice that an application has been filed in his/her name under 37 CFR 1.47, and a "37 CFR Notice by Publication" is sent by the Office of Patent Legal Administration or by the PCT Legal Office to the Office of Patent Publication and is printed in the *Official Gazette*.
3. When an application in which a petition under 37 CFR 1.47 was granted is in condition to be allowed, the examiner insures that the words "Rule 47" appear beneath the **FILING DATE** box, to the extent of writing in the words when they are not there.
4. When a petition under 37 CFR 1.47 was granted and the non-signing inventor files proper joinder papers during the prosecution of the application, the USPTO will use **green** ink to line through the words "Rule 47" that appear beneath the **FILING DATE** box.
5. When a patent issues from an application in which a petition was granted under 37 CFR 1.47, an indication of the 37 CFR 1.47 filing is printed on the patent front page, regardless of whether the non-signing inventor joined the prosecution. See the last paragraph of MPEP 409.03(j).
6. When a continuing application uses a prior application's oath/declaration and when a Rule 47 petition was granted in the prior application, then the continuing application should include a copy of the prior application's Rule 47 decision. See 37 CFR 1.63(d)(3)(i). In such a continuing application in the past, the USPTO wrote a new Rule 47 decision or letter stating that "status under 37 CFR 1.47 continues to exist in the application. The USPTO has ended the practice of writing a new Rule 47 decision or letter in these circumstances. Instead, the USPTO will make a red-ink entry on the **CONTENTS** flap of the continuing application to indicate that the application contains a copy of the prior application's Rule 47 decision. When such an entry is present on the **CONTENTS** flap of the continuing application, the prior application's Rule 47 status is carried forward to the continuing application, and no "printer waiting" query is necessary.

Publication DataBase Contractor's "Rule 47" Processing

The following instructions pertain to the printing of the phrase (Under 37 CFR 1.47) on the patent front page—for example:

(22) Filed: **Dec. 14, 2001**
(Under 37 CFR 1.47)

When an application is filed with a petition under 37 CFR 1.47, it is usually at the time of filing that the USPTO places the words “Rule 47” beneath the **FILING DATE** box—that is, before the USPTO makes a decision on the petition. Furthermore, the USPTO sometimes places the words “Rule 47” beneath the **FILING DATE** box when a petition under 37 CFR 1.47 is not proper for the situation—that is, when there is no actual refusal to sign, such as when there is a delay in locating a vacationing inventor or a delay in identifying the legal representative of a deceased inventor.

Consequently, the mere presence of the words “Rule 47” beneath the **FILING DATE** box is unreliable as an indication that a petition has been granted and as a source for the printing of (Under 37 CFR 1.47) on the patent front page.

In light of the above, the data base contractor will print the phrase (Under 37 CFR 1.47) on the patent front page only when the file wrapper’s **CONTENTS** flap indicates that the petition under 37 CFR 1.47 was granted.

- (i) If the words “Rule 47” appear beneath the **FILING DATE** box, and those words have not been lined through
OR
- (ii) If the words “Rule 47” appear beneath the **FILING DATE** box, and those words have been lined through in *green* ink
OR
- (iii) If an inventor’s signature (or legal representative’s signature) is missing from the oath/declaration, and the words “Rule 47” do not appear beneath the **FILING DATE** box,

then the data base contractor will check the file wrapper’s **CONTENTS** flap for an indication that the petition was granted under 37 CFR 1.47. For example:

7. <i>Rule 47 petition</i>	<i>Dec. 12, 2001</i>
8. . . .	
9. <i>Petition granted</i>	<i>Jan. 14, 2002</i>

Variants of *Rule 47 petition* may appear, such as *Petition (Rule 1.47)* or *Fee, Dec., Surcharge, & E.O.T. & Pet. 1.47*. Variants of *Petition granted* may appear, such as *Rule 47 petition granted* or *Decision according status under 37 CFR 1.47*.

If the **CONTENTS** flap shows an entry indicating the granting of a petition under 37 CFR 1.47, or shows a red-ink entry indicating that such a petition was granted in a prior application, the publication database contractor will print the parenthetical phrase (Under 37 CFR 1.47) beneath the filing date at INID (22) on the patent’s composed front page.

The data base contractor will return the file with a "printer waiting" **QUERY** if:

- *In any of the circumstances (i), (ii), or (iii) above, the **CONTENTS** flap does not indicate the granting of a petition under 37 CFR 1.47.* An example of such a query is shown below:

File wrapper shows "Rule 47" under filing date. So that the printer can comply with the last paragraph of MPEP 409.03(j), please identify the number of the paper which grants 37 CFR 1.47 status.

There is no need for a "printer waiting" query merely to have the words "Rule 47" added beneath the **FILING DATE** box. In order to facilitate the data base contractor's internal processing of the Rule 47 file, the data base contractor may use light blue ink to write the words "Rule 47" beneath the **Filing Date** box.

When the words "Rule 47" appear under the **Filing Date** box and those words have been lined through in **black** ink, this usually means that the 37 CFR 1.47 petition was improper, inappropriate, not granted, etc. Having encountered such a black-ink deletion, the data base contractor will nevertheless check the file wrapper's **CONTENTS** flap for an indication of the granting of a petition under 37 CFR 1.47:

- If "Rule 47" has been deleted in **black** ink on the file wrapper and the **CONTENTS** flap does not indicate the granting of a petition under 37 CFR 1.47, the publication database contractor will not print (Under 37 CFR 1.47) on the patent front page.
- If "Rule 47" has been deleted in **black** ink on the file wrapper but the **CONTENTS** flap does indicate the granting of a petition under 37 CFR 1.47, the publication database contractor will print (Under 37 CFR 1.47) on the patent front page.

Composition

The application's U.S. filing date immediately follows the application number.

- INID code (22) and the heading Filed: (including the colon) are printed as follows:

- 9-point
- Times New Roman
- uppercase and lowercase

- The filing date itself is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase

- month abbreviated as follows:

Jan.	Feb.	Mar.	Apr.	May	Jun.
Jul.	Aug.	Sep.	Oct.	Nov.	Dec.

For example:

(22) Filed: **Dec. 14, 2001**

- **35 U.S.C. 371 (PCT national stage) exception:** When the application in hand was filed under 35 U.S.C. 371—that is, the file in hand is the U.S. national stage of an international application filed under the Patent Cooperation Treaty (PCT)—then the U.S. filing date is not printed at INID (22). Instead, the international filing date (PCT filing date) is printed at INID (22). The heading PCT Filed: is used instead of Filed:. See the **Composition** section under **12. National Stage PCT Data**.

- **Rule 47 Notation:** When the application was filed under 37 CFR 1.47, the parenthetical phrase (Under 37 CFR 1.47) is printed:

- 9-point
- Times New Roman
- uppercase and lowercase
- beneath, and flush with, the filing date—for example:

(22) Filed: **Dec. 14, 2001**
(Under 37 CFR 1.47)

12. National Stage PCT Data

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see code M903 (Form PTO/DO/EO/903) and see NEW DATA SOURCE for WO publication number and WO publication date.

The source for the **PCT application number** is either the “This is a 371 of ...” line on the BIB document or the INTERNATIONAL APPLICATION NUMBER on the M903 document.

The source for the **PCT filing date** is either the “This is a 371 of ...” line on the BIB document or the I.A. FILING DATE on the M903 document.

The source for the **35 U.S.C. 371(c)(1), (2), (4) date** is the M903 document.

The DO/EO worksheet is not being indexed as such in the IFW system and cannot be reliably exported. Therefore when the M903 image is exported, the publication database contractor will go to the **WIPO Publication Data** screen in PALM Intranet, will enter the PCT application number into the appropriate Search box, and thereby will access a screen showing the **WO publication number** and the **WO publication date**. This screen will serve as the data source for these two items. If the search does not provide a WO publication number and a WO publication date, these two items will not be published on the front page of the patent.

* * *

The following table lists the data sources for the five items of 35 U.S.C. 371 data that get captured when the application in hand is the U.S. national stage of an international (Patent Cooperation Treaty) application:

<u>data</u>	<u>source</u>
international application number & international application filing date	file wrapper label <u>or</u> PALM bibliographic data sheet (in IFW file, BIB or M903)
35 U.S.C. 371(c)(1), (2), (4) date	Form PTO/DO/EO/903 as revised in March 2001: DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), REQUIREMENTS earlier versions of Form PTO/DO/EO/903: 35 U.S.C. 102(e) DATE (in IFW file, M903)
international publication number & international publication date	“WIPO Publication” block on DO/US Worksheet <u>or</u> front page of international publication <u>or</u> (in IFW file or in paper file) WIPO Publication Data screen in PALM Intranet

It sometimes happens that no international publication number and no international publication date are to be captured. See below under the heading **III. DO/US/Worksheet** in the **Pre-Capture Verification** section.

Pre-Capture Verification

See MPEP Chapter 1800, **Patent Cooperation Treaty**. The pre-capture verification information, including instructions for "printer waiting" queries, will be presented in turn for each of the following data sources: **I. PALM Data**, **II. Form PCT/DO/EO/903**, and **III. DO/US/Worksheet**.

I. PALM Data

A. location of international application number & international filing date in U.S. national stage application. If the application is the U.S. national stage of an international (PCT) application, the international application number and international filing date will appear on the file wrapper label (or the PALM bibliographic data sheet). For example:

```

**371 (NAT'L STAGE) DATA*****
PCT/FR99/12345    10/20/99

```

OR

```

THIS APPLN IS A 371 OF PCT/SE01/12345    07/19/01

```

B. when the application in hand is a U.S. national stage application:

- ***stamped notation on file wrapper.*** The hand-stamped notation FILED UNDER 35 USC 371 should appear at the top of the face of the file wrapper. However, if the stamped notation is missing, the data base contractor need not initiate a "printer waiting" query.
- ***international application number and international filing date on file wrapper label (or PALM bibliographic data sheet).*** The data base contractor will match these two PALM items with the INTERNATIONAL APPLICATION NO. and the I.A. FILING DATE, both of which appear in the upper right-hand corner of Form PCT/DO/EO/903. The publication database contractor is to return the file to the PTO via a "printer waiting" **QUERY** if:
 - ***There is a discrepancy between the file wrapper label (or PALM bibliographic data sheet) and Form PCT/DO/EO/903 with respect to the international application number and/or the international filing date.***
 - ***The international application number and international filing date are missing from the file wrapper label (or PALM bibliographic data sheet).***
- ***"This is a 371 of ... " statement not required in specification.*** In a U.S. national stage application, there is no requirement for a "continuing data"-type statement at the beginning of the specification, such as the following:

```

This application is a 371 of PCT/JP01/00000 filed Mar.
14, 2001) ...

```

However, sometimes such a statement does appear. When that happens, the statement is to be captured. (See **28. Reference to Prior Related Applications.**) When a "This is a 371 of ..." statement appears, it will be treated as the "first sentence of the specification." However, the national stage application is not really a "child" of the international application. The national stage application and the international application are different stages of the same application. The

international application is not the "prior related" parent. Therefore, the relationship is not one of "continuing data," and the absence of a "This is a 371 of ..." statement is not to be queried.

- **foreign priority claim.** In a U.S. national stage application, there is usually a foreign priority claim filed under 35 U.S.C. 119(a)–(d) and based on the foreign national application that the applicant filed in his/her home country during the year preceding his/her filing of the international application. (When such is the case, the application file usually contains a photocopy—stamped **PRIORITY DOCUMENT**—of the certified copy of the foreign national application.) Also, the foreign priority claim may be based on an international (PCT) application, with WIPO indicated as the "country" of filing. See *14. Foreign Application Priority Data*.

C. when the application in hand is not a U.S. national stage application:

- **no stamped notation on file wrapper.** There should be no hand-stamped notation FILED UNDER 35 USC 371 stamped on the file wrapper. However, the publication database contractor need not initiate a "printer waiting" query if the stamped notation is incorrectly present on the file wrapper—that is, the file is obviously not the national stage of an international (PCT) application.
- **no "371" information on file wrapper label (or PALM bibliographic data sheet).** There should be no 371 (NAT'L STAGE) DATA OR THIS APPLN IS A 371 OF information on the file wrapper label (or PALM bibliographic data sheet). The publication database contractor is to return the file to the PTO via a "printer waiting" **QUERY** if:
 - ➡ ***There is "371" information (international application number and/or international filing date) on the file wrapper label (or PALM bibliographic data sheet), yet the file is not the U.S. national stage of an international application.***

II. Form PCT/DO/EO/903

Form PCT/DO/EO/903 was revised in March 2001. Form PCT/DO/EO/903 will serve as the source for the capture and printing of the § 371(c)(1), (2), (4) Date.

Whereas previous versions of Form PCT/DO/EO/903 showed the 35 U.S.C. 102(e) date and the 35 U.S.C. 371 date, the revised Form PCT/DO/EO/903 shows the following:

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

DATE OF RECEIPT OF
35 U.S.C. 371(c)(1), (c)2, and (c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL
35 U.S.C. 371 REQUIREMENTS

The 35 U.S.C. 371(c)(1), (c)(2), (c)(4) date will be captured from the Form PCT/DO/EO/903 (March 2001) and will be printed on the front page of the patent as the § 371(c)(1), (2), (4) Date.

NOTE: If an earlier version of Form PCT/DO/EO/903 is being used in the allowed application's file wrapper and if a 102(e) date is present on the form, then the 102(e) date will be captured and will be printed on the patent front page as the § 371(c)(1), (2), (4) Date.

The 35 U.S.C. 371 date will not be captured.

Form PCT/DO/EO/903 is titled **Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495**. When searching for the form, the publication database contractor should keep in mind the form's title, for the following two reasons:

- ***On the two-sheet version of the form, the form number does not appear on the first sheet.*** Currently the **Notice of Acceptance ...** is printed in letter size on two sheets of paper, and the form number PCT/DO/EO/903 follows the text on the second sheet.
- ***The form number may not be present on the form.*** During the period October 2001 through mid-March 2002 the USPTO used a version of the **Notice of Acceptance ...** from which the form number was omitted.

Therefore if the publication database contractor should encounter a national stage application from which the Form PCT/DO/EO/903 appears to be missing, the contractor should check the file wrapper's **CONTENTS** flap for a "903" posting and should otherwise search the file for a paper with the title **Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495**. If such a search is unsuccessful, the contractor should initiate a "printer waiting" query (see below).

The publication data base contractor should initiate a "printer waiting" **QUERY** in either of the following situations:

- *Form PCT/DO/EO/903 is missing from the U.S. national stage of an international (PCT) application.*
- *The 35 U.S.C. 371(c)(1), (2), (4) date is missing from Form PCT/DO/EO/903.**
 - * *Or, if an earlier version of Form PCT/DO/EO/903 is being used, the 102(e) date is missing. See NOTE above.*

III. DO/US Worksheet

The international publication number (*Publication No. WO/_____*) and the international publication date (*Publication Date _____*) are located in the **WIPO Publication** block on the DO/US Worksheet. However, there are alternate data sources, as shown below.

❶ DO/US Worksheet as Primary Data Source:

In the **WIPO Publication** block on the DO/US Worksheet, when the Publication No. WO/_____ and the Publication Date _____ are blank, the data base contractor will go to the Not Published section in the same block:

- If the U.S. only designated box is checked, do not capture any international publication number or international publication date. No "printer waiting" query is necessary. This is the only situation in which an international publication number and international publication date are not printed on the front page of a 35 U.S.C. 371 patent.
- If the EP request box is checked, the data base contractor is to return the file to the USPTO via a "printer waiting" **QUERY** if:

➡ *In the WIPO Publication block (DO/US Worksheet) the Publication No. WO/_____ and the Publication Date _____ are not present and the EP request box is checked.* However, no "printer waiting" query is necessary if the publication database contractor is able to locate a secondary or tertiary data source, as described at ❷ and ❸ below. If not needed as a data source, the DO/US Worksheet may be either missing or incomplete.

❷ Front Page of International Publication as Secondary Data Source:

In any of the following circumstances:

- the DO/US Worksheet cannot be located in the file
- the DO/US Worksheet's **WIPO Publication** block is entirely blank
- the DO/US Worksheet's **WIPO Publication** block contains the Publication No. WO/_____ or the Publication Date _____ but does not contain both

the international publication's front page may be used as an alternate data source for the international publication number [INID (11) on the international front page] and the international publication date [INID (43) on the international front page]. The two items will appear in the upper right corner of the international publication front page. For example:

(11)	International Publication Number:	WO 94/06938
(43)	International Publication Date:	31 March 1994 (31.03.94)

or

(11)	Internationale Veröffentlichungsnummer:	WO 92/22079
(43)	Internationales Veröffentlichungsdatum:	31 . Dezember 1992 (31.12.92)

or

(11)	Numéro de publication internationale:	WO 94/03947
(43)	Date de publication internationale:	17 février 1994 (17.02.94)

⑨ alternative data source if DO/EO worksheet and international publication are missing

The publication database contractor may go to the **WIPO Publication Data** screen in PALM Intranet, enter the PCT application number into the appropriate Search box, and thereby access a screen showing the WO publication number and the WO publication date. This screen may serve as the data source for these two items. If the search does not provide a WO publication number and a WO publication date, these two items will not be published on the front page of the patent.

number of digits in PCT application numbers and WO publication numbers:

- For international (PCT) applications published by WIPO before July 1, 2002, the WO publication number consists of five digits after the diagonal, as in WO02/01234 and WO02/12345. For international (PCT) applications published by WIPO beginning July 1, 2002, the WO publication number consists of six digits after the diagonal, as in WO02/012345 and WO02/123456.
- Beginning on January 1, 2004, the following format changes are effective in World Intellectual Property Organization (WIPO) document numbers:
 - from a two-digit year to a four-digit year in PCT application numbers and WO publication numbers
 - from a five-digit serial number to a six-digit serial number in PCT application numbers

PCT/GB2004/123456 ← six-digit serial number as of January 1, 2004
 ↑
 four-digit year as of January 1, 2004

WO2004/123456 ← six-digit serial number as of July 1, 2002
 ↑
 four-digit year as of January 1, 2004

- The publication database contractor will observe the following guidelines:

- **PCT application number**

If the PCT filing date is on or after January 1, 2004, the PCT application number will be captured so that it shows a **four**-digit year and a **six**-digit serial number.

If the PCT filing date precedes January 1, 2004, the PCT application number will be captured so that it contains a **two**-digit year and a **five**-digit serial number.

- **WO publication number**

If the WO publication date is on or after January 1, 2004, the WO publication number will be captured so that it contains a **four**-digit year and a **six**-digit serial number.

If the WO publication date is during the period from July 1, 2002, through December 31, 2003, the WO publication number will be captured so that it contains a **two**-digit year and a **six**-digit serial number.

If the WO publication date precedes July 1, 2002, the WO publication number will be captured so that it contains a **two**-digit year and a **five**-digit serial number.

Composition

The following items of national stage PCT data are printed with the INID codes and side-headings as shown below:

international filing date→	(22)	PCT Filed:
international application number→	(86)	PCT No.:
35 U.S.C. 371(c)(1), (2), (4) date→		§ 371(c)(1), (2), (4) Date:
international publication number→	(87)	PCT Pub. No.:
international publication date→		PCT Pub. Date:

When the application issuing as a patent is the U.S. national stage of an international (PCT) application, the U.S. "filing date" is not printed at INID (22). Instead, the international filing date (PCT filing date) is printed at INID (22). The heading PCT Filed: (including the colon) is used instead of Filed: (including the colon). See the **Composition** section in *11. Application Filing Date*.

It sometimes happens that no international publication number and international publication date are printed. See above under the heading **III. DO/US/Worksheet**.

The national stage PCT data is printed in accordance with the following order:

- filing date [*required*]
 - national stage PCT data [*if present*]
 - prior publication data [*if present*]
 - related U.S. application data [*if present*]
 - foreign application priority data [*if present*]
- INID code (22) is printed as follows:
- 9-point
 - Times New Roman
 - beneath INID code (21), flush left on same line as heading PCT Filed:
- The heading PCT Filed: (including the colon) is printed as follows:
- 9-point
 - Times New Roman
 - uppercase and lowercase
 - aligned on left with heading Appl. No.:
- The international filing date is printed as follows:
- 9-point
 - Times New Roman Bold
 - uppercase and lowercase
 - aligned on left with U.S. application number
 - month abbreviated as follows:

Jan.	Feb.	Mar.	Apr.	May	Jun.
Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
- INID code (86) is printed as follows:
- 9-point
 - Times New Roman
 - beneath INID code (22), flush left on same line as heading PCT No.:
- The heading PCT No.: (including the colon) is printed as follows:
- 9-point
 - Times New Roman
 - uppercase and lowercase
 - aligned on left with heading PCT Filed:
- The international application number is printed as follows:
- 9-point
 - Times New Roman Bold
 - uppercase alphanumeric with diagonals
 - aligned on left with international filing date

■ The heading § 371(c)(1), (2), (4) Date: (including the colon) is printed as follows:

- 9-point
- Times New Roman
- uppercase and lowercase
- on two lines, with § 371(c)(1), on one line and (2), (4) Date: on the next line, and with both lines aligned on left with heading PCT No.:

■ The 35 U.S.C. 371(c)(1), (2), (4) date is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase
- on the same line as (2), (4) Date:
- aligned on left with international application number
- month abbreviated as follows:
Jan. Feb. Mar. Apr. May Jun.
Jul. Aug. Sep. Oct. Nov. Dec.

■ INID code (87) is printed as follows:

- 9-point
- Times New Roman
- flush left on same line as heading PCT Pub. No.:

■ The heading PCT Pub. No.: (including the colon) is printed as follows:

- 9-point
- Times New Roman
- uppercase and lowercase
- aligned on left with the two-line heading § 371(c)(1), (2), (4) Date:

■ The international publication number is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase alphanumeric with diagonal
- aligned on left with 35 U.S.C. 371(c)(1), (2), (4) date

■ The heading PCT Pub. Date: (including the colon) is printed as follows:

- 9-point
- Times New Roman
- uppercase and lowercase
- aligned on left with heading PCT Pub. No.:

■ The international publication date is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase
- aligned on left with international publication number
- month abbreviated as follows:

Jan.	Feb.	Mar.	Apr.	May	Jun.
Jul.	Aug.	Sep.	Oct.	Nov.	Dec.

E X A M P L E
of composed national stage PCT data

(22) PCT Filed: **Mar. 18, 1999**

(86) PCT No.: **PCT/JP99/12345**

§ 371(c)(1),
 (2), (4) Date: **Dec. 14, 2001**

(87) PCT Pub. No.: **WO99/54321**

PCT Pub. Date: **Nov. 22, 1999**

13A. Prior (Pre-Grant) Publication Data [B2 only]

Data Capture

The publication database contractor at the time of “issue build” will use its electronic pre-grant publication records for the capture of prior publication data.

If the B2 utility has been published prior to “issue build” as an A1 document, the publication database contractor will capture the prior A1 publication number and publication date, as well as any prior A2 and/or A9 publication number(s) and publication date(s).

Composition

If the utility patent is a B2, the prior (pre-grant) publication data is mandatory. The INID code is (65) and the heading is **Prior Publication Data**.

The (65) **Prior Publication Data** will be printed on the patent front page in the appropriate location as described below:

- If the (22) side-heading is Filing Date, the (65) **Prior Publication Data** will follow the (22) data.
- If the (22) side-heading is PCT Filed, the (65) **Prior Publication Data** will follow the (86) and (87) data.

The (65) **Prior Publication Data** will be printed as follows:

- The INID code (65) will be printed as follows:
 - 9-point
 - Times New Roman
 - flush left
- The heading **Prior Publication Data** will be printed as follows:
 - 9-point
 - Times New Roman Bold
 - centered in the column and on the same line as (65)
- The prior (pre-grant) publication number and the prior (pre-grant) publication date will be printed as follows:
 - 9-point
 - Times New Roman
 - The prior publication number and prior publication date will appear in that order on the same line, separated by at least two spaces.

- The prior publication number will be vertically aligned with the side-headings Inventor:, Appl. No.:, etc.
- The prior publication number will consist of the code US, a space, the pre-grant publication number (consisting of a four-digit year, a diagonal, and a seven-digit sequential number with leading zeros), a space, and the two-character alphanumeric kind code.
- The prior publication date will consist of the abbreviated month (Jan., Feb., Mar., Apr., May, Jun., Jul., Aug., Sep., Oct., Nov., Dec.), a space, the one- or two-digit day, a comma, a space, and the four-digit year.
- Multiple prior (pre-grant) publications will be listed in chronological order, as shown in the second example below.

first example:

(65) **Prior Publication Data**

US 2001/0000999 A1 Jun. 14, 2001

second example:

(65) **Prior Publication Data**

US 2001/0008888 A1 Aug. 9, 2001
US 2001/0009999 A2 Oct. 15, 2001

13B. Related U.S. Application Data

Overview

- **Continuity Data** [continuing data, parent data, 35 U.S.C. 120 data]

This is information showing that the patent now issuing is a continuation, division, or continuation-in-part of prior U.S. nonprovisional application(s) and/or of prior international (PCT) application(s) that are being treated under the law [35 U.S.C. 365(c)] as U.S. application(s), including data showing that a prior U.S. application was itself the U.S. national stage [35 U.S.C. 371] of an international (PCT) application.

- **Provisional Application Data** [35 U.S.C. 119(e) data]

This is information identifying prior U.S. provisional application(s) on the basis of which the applicant is claiming a domestic priority benefit (analogous to a foreign priority benefit). The nonprovisional application must have been filed "not later than 12 months after the date on which the provisional application was filed."

- **Substitute Application Data**

This is information indicating that the patent now issuing is from an application that itself was a duplicate of, and a substitute for, an earlier abandoned U.S. application. In this instance, the applicant does not benefit from the earlier application's filing date.

Data Source, Continuity Data & Provisional Application Data

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see codes ADS (application data sheet), TRNA (transmittal of new application), SPEC (specification), A.PE (preliminary amendment), and A... (amendment).

* * *

“specific reference.” 35 U.S.C. 120 says that the applicant, in order to get the benefit of the filing date of an prior **nonprovisional** application, must supply a “specific reference to the earlier filed application,” and the revised 37 CFR 1.78(a)(2) says that this “specific reference” may be in either of two locations:

- application data sheet (ADS)
- the first sentence of the specification following the title

Similarly, 35 U.S.C. 119(e) says that an applicant, in order to get benefit of the filing date of a prior **provisional** application, must supply “a specific reference to the provisional application,” and the revised 37 CFR 1.78(a)(4) says that this “specific reference” may be in either of two locations:

- application data sheet (ADS)
- the first sentence of the specification following the title

types of continuity between child and nonprovisional parent. The child application must have one of these specific relationships to the nonprovisional parent application:

continuation—same subject matter as parent, no new subject matter

continuation in-part—same subject matter as parent, plus new subject matter

division—some of same subject matter as parent, no new subject matter

status of nonprovisional parent. If the status of the prior application is “now abandoned” or “now Pat. No.” or “now SIR No.,” then that status is captured. However, if the prior application is “pending” or its status is not otherwise stated, no status is captured.

priority benefit based on prior provisional application. In order to get the benefit, the nonprovisional application must have been filed "not later than 12 months after the date on which the provisional application was filed." This "not later than 12 months" requirement creates a domestic priority year which operates similarly to the Paris Convention foreign priority year. The domestic priority year begins on the filing date of the U.S. provisional application. (The domestic priority year is not included in the 20-year utility/plant patent term, which is measured from the effective nonprovisional filing date.) The applicant may claim priority benefit based on more than one prior U.S. provisional application.

NOTE: Procedures for foreign priority [35 U.S.C. 119(a)–(d)] are not relevant to procedures for priority based on prior U.S. provisional applications [35 U.S.C. 119(e)]. There is no requirement that the examiner acknowledge a priority claim based on a prior U.S. provisional application. The file wrapper label's (or PALM bibliographic data sheet's) ☐ yes ☐ no "35 USC 119(a–d) foreign priority section has no relevance to prior U.S. provisional applications. There is no requirement for a "certified copy" of the prior U.S. provisional application. The oath/declaration may or may not state the domestic priority claim.

status of prior provisional application. No status is captured for a prior U.S. provisional application, since such an application has a one-year lifetime, at the end of which it is automatically abandoned.

bibliographic "Related U.S. Application Data" on patent front page. The governing source for capturing this data will be as follows:

- **when the "specific reference" is shown only on an ADS.** If the applicant has filed an ADS, the governing source will be the most recent ADS on which a "specific reference" appears. The "specific reference" on the ADS will be subject to comparison with the file wrapper label's or PALM bibliographic data sheet's version of the continuity data. (Below see **Pre-Capture Verification, Continuity Data** and **Pre-Capture Verification, Provisional Application Data**.) The ADS will serve as the source for the related U.S. application data printed on the patent front page. In this situation, **no** "first sentence" continuity data and/or **no** "first sentence" provisional application data is available for capture, and **no** "first sentence" continuity data and/or provisional application data will be captured and printed.
- **when the "specific reference" is shown only in the first sentence of the specification.** If the applicant has not filed an ADS, the source will be the "specific reference" in the first sentence of the specification following the title. The "specific reference" in the first sentence is subject to comparison with the PALM bibliographic data sheet's or file wrapper label's version of the continuity data. (Below see **Pre-Capture Verification, Continuity Data** and **Pre-Capture Verification, Provisional Application Data**.) The "specific reference" in the first sentence will serve as the source for the related U.S. application data printed on

the patent front page. Also, this “first sentence” continuity data **will** be captured and printed at the beginning of the specification.

- **when the “specific reference” is shown in both locations.** If the applicant has filed an ADS containing a “specific reference” and also has included a “specific reference” in the first sentence of the specification, then the governing data source will be the more (or most) recent “specific reference.” For example, if an ADS showing a “specific reference” is dated 3 October 2002 and a “specific reference” is added to the specification via an amendment dated 2 February 2003, then the 2 February 2003 amendment’s “specific reference” will serve as the data source. If the more (or most) recent “specific reference” is on an ADS, any earlier-dated “specific reference” in the specification will be captured and printed “as is” at the beginning of the specification only, while the “specific reference” appearing on the ADS will serve as the source for the related U.S. application data printed on the front page. The “specific reference” on the ADS will govern when inconsistent information is supplied on the same date via the specification. The publication database contractor does not need to change any data on any ADS.

Pre-Capture Verification, Continuity Data

when continuity data on the file wrapper label (or PALM bibliographic data sheet) is less complete than the governing source’s version. When this happens, it is acceptable, as long as the lesser amount of information in the label/sheet version is accurate as far as it goes and does not contradict the governing source’s version. The governing source’s version (in this situation, the more complete and accurate version) will serve as the data source not only for the specification’s reference to prior related applications, see 27. *Reference to Prior Related Application(s)*, but also for the front page’s related U.S. application data if the governing source is the “first sentence” of the specification, or for only the front page’s related U.S. application data if the governing source is the ADS.

updating parent’s status. In continuity data, when the USPTO has updated the file wrapper label’s (or PALM bibliographic data sheet’s) continuity data by adding the status of a parent application, yet has not updated the governing source (the “first sentence of the specification” or the ADS), the publication database contractor may add (using light blue) the updated status to the governing source. For example:

label/sheet version	➔	THIS APPLN IS A DIV OF 08/900,800 08/02/96 ^
governing source version	➔	This application is a division of U.S. Ser. No. 08/900,800, filed August 2, 1996.

In the above example, the contractor may use light blue in the specification to add (after 1996) a comma and the word “abandoned.”

NOTE: If the USPTO updates the status of a parent application in the governing source but does not update the file wrapper label (or PALM bibliographic data sheet), there is

no need for the publication database contractor to update the label/sheet version, since the label/sheet version need not be as complete as the governing source version. However, it is still necessary that the complete continuity data always be captured for the front page's related U.S. application data and, when the governing source is the "first sentence" of the specification, also for the specification's reference to prior related applications. See 27. *Reference to Prior Related Application(s)*.

correcting parent's document number or date. When the file wrapper label's (or PALM bibliographic data sheet's) version of the continuity data disagrees with the governing source version of the continuity data with respect to a document number or a date, the publication database contractor may go to other papers in the file and/or may go to the USPTO Web site in order to determine the correct document number or date, and may make the necessary correction (in light blue) to the file wrapper label (or PALM bibliographic data sheet) or to the governing source. A "printer waiting" query will be necessary whenever such a discrepancy cannot be resolved by the publication database contractor. For example:

label/sheet version	➔	THIS APPLN IS C-I-P OF 08/999,999 12/31/97 PAT 7,654,321
governing source version	➔	This application is a continuation-in-part of application Ser. No. 08/999,999, filed Dec. 30, 1997, now U.S. Pat. No. 7,654,321.

In the above example, the two versions disagree as to the parent application's filing date. If the publication database contractor—either from other file papers or from the USPTO Web site's bibliographic data on Pat. No. 7,654,321—can determine the correct filing date of Appl. No. 08/999,999, the incorrect filing date may be corrected in light blue, with no need for a query.

when the "first sentence of the specification" version mentions prior applications that are "related" in a non-specific way. The "first sentence of the specification" may, according to 37 CFR 1.78(a)(2), make "Cross-references to other related applications." In such cross-references, the terms "continuation" and "division" and "continuation-in-part" are not used. Therefore, information about these "other related" applications is not continuity data (parent data). These references are captured for the specification's reference to prior related applications, see 27. *Reference to Prior Related Application(s)*, but are not captured for the front page's related U.S. application data.

continuity data chains. An application may claim the benefit [under 35 U.S.C. 120] of more than one earlier-filed related application. The precise relationships must be given. For example, the application in hand could be a continuation of application No. 08/999,999, which in turn was a division of application No. 08/888,888, which in turn was a continuation of application No. 08/777,777.

international (PCT) applications as U.S. parents. Per 35 U.S.C. 365(c), an applicant may have the benefit of the earlier filing date [35 U.S.C. 120] of an international application filed under the Patent Cooperation Treaty. In effect, this means that an international (PCT) application can appear in continuity data as a "related U.S. application."

label/sheet version	➔	THIS APPLN IS A DIV OF PCT/GB92/00000 01/05/92
governing source version	➔	This application is a division of application number PCT/GB92/00000, filed Jan. 5, 1992.

when the U.S. parent was the U.S. "national stage" of an international (PCT) application. When the case in hand is the child of a U.S. application [35 U.S.C. 120], and the U.S. parent was itself the "national stage" of an international (PCT) application [35 U.S.C. 371], the following is captured: the U.S. application number of the parent, the application number of the international (PCT) application, and the filing date of the international (PCT) application.

label/sheet version	➔	THIS APPLN IS A CON OF 08/000,000 12/01/94 ABN WHICH IS A 371 OF PCT/SE93/00000 04/01/93
governing source version	➔	This application is a continuation of U.S. serial number 08/000,000, filed Dec. 1, 1994, now abandoned, which was the U.S. national stage of international application number PCT/SE93/00000, filed Apr. 1, 1993.

NOTE: When the U.S. parent was itself the U.S. national stage of a PCT application, what the case-in-hand's file wrapper label (or PALM bibliographic data sheet) and governing source show as the parent's U.S. "filing date" (12/01/94 and Dec. 1, 1994 in the example above) is not actually a filing date but instead is the date on which the international application entered the U.S. national stage. This date is not printed in the related U.S. application data on the patent front page. See MPEP 1893.03(b). The U.S. national stage application is not the "child" of the international PCT application. They are the same application. The U.S. application number and the PCT application number represent two stages (international stage and national stage) of that application's prosecution. The 20-year term is measured from the international PCT filing date, which is the application's one and only filing date. The status of the application (abandoned, in the example above) should be printed on the patent front page in the normal position after the application's one and only filing date (Apr. 1, 1993).

Pre-Capture Verification,Provisional Application Data

The verification procedures for provisional application data involve the file wrapper label (or PALM bibliographic data sheet), the specification, the ADS, and the oath/declaration. The "printer waiting" query guidelines shown below also pertain to the correct capture of the "first sentence of the specification." See **27. Reference to Prior Related Application(s)**.

The publication database contractor is to return the file to the PTO via a "printer waiting" **QUERY** if:

- *Except as noted, the U.S. provisional application was filed more than 12 months before the filing date of the relevant nonprovisional application,that is, more than 12 months before the filing date of the nonprovisional U.S. application at hand or more than 12 months before the filing date of a prior related nonprovisional U.S. application or more than 12 months before the international filing date of a prior related PCT application or more than 12 months before the international filing date of the national stage PCT application at hand. (Note: If the anniversary date of the provisional application's filing date is a Saturday, Sunday, or Federal Holiday, the applicant may file on the next business day and still have copendency.)* In response to such a query, it will be necessary for the PTO to remove the U.S. provisional application data from the PALM bibliographic data sheet (or file wrapper label) and/or to remove the "first sentence of the specification" and/or ADS reference to the U.S. provisional application.
- *The provisional application data on the PALM bibliographic data sheet (or file wrapper label) disagrees with the provisional application reference in the governing source (either the first sentence of the specification or the ADS).* For example, if the provisional filing dates are not the same, a query is necessary.
- *The provisional application data appears on the PALM bibliographic data sheet (or file wrapper label), yet no provisional application reference appears in the first sentence of the specification or on the ADS.*
- *A provisional application reference appears in the governing source (first sentence of the specification or ADS), yet no provisional application data appears on the PALM bibliographic data sheet (or file wrapper label).*
- *The provisional application data on the PALM bibliographic data sheet (or file wrapper label) is located in the FOREIGN APPLICATIONS section instead of in the CONTINUING DOMESTIC DATA section.*

- *The provisional application data is incomplete on the PALM bibliographic data sheet (or file wrapper label) and/or in the governing source, and the correct data cannot be determined.* For example, no query would be necessary if information omitted from the governing source version of the provisional application data can be updated from information appearing on the PALM version of the domestic priority data.
- *There is a paper that indicates a benefit claim based on a provisional application, yet there is no provisional application data on the PALM bibliographic data sheet (or file wrapper label) or in the governing source (specification or ADS).* However, the data base contractor need not routinely search for such a paper. When the PTO has not entered provisional application data onto the PALM bibliographic data sheet (or file wrapper label) and when there is no provisional application reference in the first sentence of the specification or on an ADS, the data base contractor is not to be held accountable if another file paper (oath/declaration, notice of allowability, etc.) does indicate a benefit claim based on a provisional application and if it therefore turns out that provisional application data should have been captured.

Otherwise, with respect to the pre-capture verification of provisional application data:

if provisional application's 12-month lifetime will have ended by the issue date of patent at hand. If the governing source's version of the data describes the provisional application as "pending" but the 12-month pendency of the provisional application will have expired as of the issue date of the patent at hand, the publication database contractor will remove "pending" and substitute "now abandoned," and the status will be captured as "abandoned."

if "continuing data"-type relationship is specified in provisional application data. In the governing source's provisional application reference and/or in the file wrapper label's (or PALM bibliographic data sheet's) provisional application data, if a term such as "continuation" or "division" or "continuation-in-part" is used, there is no need for a "printer waiting" query. The publication database contractor will proceed as follows: When such a term is used in the "first sentence of the specification" provisional application reference, the term will be captured in the specification's reference to prior related applications. See **27. Reference to Prior Related Application(s)**. However, no such term will be captured for the patent front page's related U.S. application data.

conversion of provisional application to nonprovisional application. Effective May 29, 2000, an applicant will, during the 12 months following the filing of a provisional application, be able to convert that provisional application to a nonprovisional application. When this happens, the filing date of the nonprovisional application will be the same as the (earlier) filing date of the provisional application, and the 20-year patent term will be measured from that (earlier) filing date. For example, the applicant files a provisional application on March 7, 2001, and then on November 20, 2001, files a request that the provisional application be converted to a nonprovisional application. The nonprovisional application's filing date would be March 7, 2001, and the 20-year patent term would be measured from March 7, 2001.

In comparison, if the applicant files a provisional application and within the next 12 months files a nonprovisional application and makes a 35 U.S.C. 119(e) domestic priority claim based on the prior provisional application, the nonprovisional application's actual filing date is used and the 20-year term will be measured from that date. For example, the applicant files a provisional application on March 7, 2001, and then on November 20, 2001, files a nonprovisional application in which domestic priority benefit is claimed based on the prior provisional application. The nonprovisional application's filing date would be November 20, 2001, and the 20-year patent term would be measured from November 20, 2001. Thus the SUPPLEMENTARY INFORMATION section of the *Official Gazette* notice [1233 OG 47+48] "strongly advise[s]" applicants to consider the "patent term implications" and the "adverse term effects" of converting a provisional application to a nonprovisional application "rather than simply filing a nonprovisional application within twelve months of the filing date of the provisional application and claiming the benefit of that provisional application under 35 U.S.C. 119(e)." If applicants follow this advice, the provisional-to-nonprovisional conversion procedure will seldom be used.

NOTE: There is already a rule by which an applicant may convert a nonprovisional application to a provisional application. When this happens, the filing date of the provisional application is the same as the filing date of the nonprovisional application. In effect, once the conversion takes place, the filing of the provisional application is treated as the initial filing.

extension when provisional application's pendency ends on Saturday, Sunday, or holiday. Previously a provisional application's pendency ended on the last day of the 12-month period, even when that last day was a Saturday, a Sunday, or a Federal holiday in the District of Columbia. Effective May 29, 2000, when the last day of the 12-month period is a Saturday, a Sunday, or a Federal holiday in the District of Columbia, the pendency of the provisional application is extended to the "next succeeding secular or business day."

elimination of "copendency" requirement. Previously if a nonprovisional application claimed domestic priority benefit under 35 U.S.C. 119(e) from a prior provisional application, the provisional application and the nonprovisional application had to be "copending" when the nonprovisional application was filed. Effective May 29, 2000, this "copendency" requirement is removed. That is, if the applicant abandons the provisional application during its 12-month pendency, the applicant still may file a nonprovisional application during the time remaining before the expiration of the 12 months and still may claim and receive a domestic priority benefit from the abandoned provisional application.

Substitute Application Data

Substitute application data is the application number, filing date, and "abandoned" status of a prior U.S. nonprovisional application of which the application at hand is a later-filed duplicate. The prior application's status is always abandoned—that is, the prior application must be abandoned before the substitute application can be filed. In this circumstance, the applicant cannot claim benefit of the filing date of the earlier application.

See MPEP 201.09, MPEP 201.11, and MPEP 202.02. (See MPEP 201.10 for information about the unofficial term “refile.”)

MPEP 201.09 requires that the USPTO indicate “Substitute for” data on the file wrapper (either on the label or the PALM bibliographic data sheet).

This information will be printed bibliographically on the front page of the patent. See the **Composition** section below. The bibliographic “Substitute for” data is printed with INID code (66).

It is not a requirement that the “Substitute for” information be stated in the “first sentence of the specification following the title.” If “Substitute for” information is present both on the file wrapper label (or PALM bibliographic data sheet) and in the “first sentence of the specification,” the publication database contractor will verify the consistency of the two versions of the information. See **27. *Reference to Prior Related Application(s)***. If a “Substitute for” sentence is present, it will be printed as the first sentence of the specification.

In summary, when “Substitute for” data is present, it will be printed as INID (66) data under **Related U.S. Application Data** on the patent front page, while the “first sentence of the specification” version of the “Substitute for” data is optional and will be printed only when it appears in the specification data source.

“Substitute for” data is very rare.

Composition

Related U.S. application data—that is, continuity data, provisional application data, and (very rarely) substitute application data—is printed in accordance with the following order:

- filing date [*required*]
- national stage PCT data [*if present*]
- prior publication data [*if present*]
- related U.S. application data [*if present*]
- foreign application priority data [*if present*]

The following INID codes will be used for continuity data:

- (60) used for any combination of division and continuation and/or continuation-in-part
- (62) used when there's one solely divisional relationship or when all the relationships are divisional
- (63) used for continuation and/or continuation-in-part

If there is provisional application data, it follows any continuity data. INID code (60) is to be used for the provisional application data. If continuity data is also present under INID code (60) or (62) or (63), a separate INID code (60) is to be used for the provisional application data.

If there is substitute application data, the (separate) INID code (66) is to be used.

■ The heading **Related U.S. Application Data** is printed as follows:

- 9-point
- Times New Roman Bold
- Uppercase and lowercase
- centered in the column

■ The INID code [see above] is printed as follows:

- 9-point
- Times New Roman

■ The data itself is printed as follows:

- 8-point

- Times New Roman
- uppercase and lowercase
- block paragraph style
- months abbreviated as follows:

Jan.	Feb.	Mar.	Apr.	May	Jun.
Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
- list multiple entries according to the filing dates of the respective applications, in inverse chronological order (that is, the most recently filed parents will appear first).
- use the following styles for statuses of nonprovisional applications:

, Pat. No.
, abandoned
, SIR No.
- The status ("pending" or "abandoned") of a provisional application is **not** printed on the front page. Terms such as "continuation" and "division" and "continuation-in-part" are **not** printed in provisional application data on the patent front page.
- The phrase "filed on" will precede each filing date, and the word "now" will precede each status. When the U.S. parent was the national stage of an international PCT application, the phrase "file as" will precede the "application No. PCT ..." and the word "on" will appear before the international filing date.

■ multi-sheet front page to accommodate overflow of related U.S. application data

It may happen that a patent contains so much data under **Related U.S. Application Data** that a multi-sheet front page is necessary.

first sheet of multi-sheet front page. As much of the data as possible will be shown on the first sheet of the multi-sheet front page. When the limit is reached, the parenthetical phrase (Continued) in 9-point Times New Roman will be centered in the last line of the section.

Related U.S. Application Data

- (63) Continuation-in-part of application No. PCT/US00/00000,
filed on Dec. 13, 2000.
- (60) Provisional application No. 60/000,000, filed on Dec. 14,
1999, provisional application No. 60/000,000, filed on

(Continued)

second (or succeeding) sheet of multi-sheet front page. Each additional sheet of the multi-sheet front page will be shown as follows:

- The patent number, including the code **US** and the kind code, will be centered in the top line of the page heading, in 12-point Times New Roman Bold.

<p style="text-align: center;">E X A M P L E S of composed "Related U.S. Application Data"</p>

continuation of prior U.S. application:

Related U.S. Application Data

- (63) Continuation of application No. 08/123,456, filed on Mar. 22, 1994, now abandoned.

division of two prior U.S. applications:

Related U.S. Application Data

- (62) Division of application No. 08/111,222, filed on Mar. 4, 1995, now abandoned, and application No. 08/001,111, filed on Jan. 10, 1995, now Pat. No. 7,654,321.

continuation of prior international (PCT) application:

Related U.S. Application Data

- (63) Continuation of application No. PCT/FR95/00011, filed Jan. on Jan. 22, 1995.

division of prior U.S. application which was national stage of international (PCT) application:

Related U.S. Application Data

- (62) Division of application No. 08/333,222, filed as application No. PCT/JP93/00011 on Oct. 5, 1993.

provisional application data:

Related U.S. Application Data

- (60) Provisional application No. 60/121,121, filed on Aug. 3, 1996.

division of prior U.S. application; provisional application data:

Related U.S. Application Data

- (62) Division of application No. 08/777,777, filed on Nov. 20, 1996, now abandoned.
- (60) Provisional application No. 60/222,111, filed on Dec. 28, 1995.

chain involving continuations-in-part and divisions:

Related U.S. Application Data

- (60) Continuation-in-part of application No. 09/998,998, filed on Dec. 14, 1998, now abandoned, application No. 09/988,000, filed on Nov. 30, 1998, now abandoned, and application No. 09/022,822, filed on Mar. 3, 1998, now abandoned; each is a division of application No. 08/711,111, filed on Aug. 3, 1997, now abandoned, which is a division of application No. 08/666,666, filed on May 22, 1996, now abandoned.

chain involving divisions, continuations-in-part, and continuations:

Related U.S. Application Data

- (60) Division of application No. 09/828,828, filed on Nov. 9, 1998, now abandoned, and application No. 09/801,801, filed on Oct. 1, 1998, now Pat. No. 8,900,900, and a continuation-in-part of application No. 08/790,000, filed on Aug. 20, 1997, now abandoned; said application No. 09/828,828 is a continuation of application No. 08/777,666, filed on Aug. 12, 1997, now abandoned, which is a continuation of application No. 08/343,343, filed on Jan. 2, 1996, now abandoned.

substitute application data:

Related U.S. Application Data

- (66) Substitute for application No. 08/123,321, filed on Aug. 9, 1997, now abandoned.

13C. Request for Continued Examination (RCE)

Instead of filing a continuing application or instead of filing a request for Continued Prosecution Application (CPA), the applicant under 37 CFR 1.114 files a Request for Continued Examination (RCE).

“continued examination” (RCE) versus “continued prosecution” (CPA). The Request for Continued Examination (RCE) procedure under 37 CFR 1.114 does not in any sense involve the filing of a new application. The RCE procedure “merely continues the examination of the same application.” In contrast, the Continued Prosecution Application (CPA) procedure under 37 CFR 1.53(d) involves the abandonment of an application and the filing of a new application, albeit a new application with the same application number and the same filing date as the abandoned application and using the same file wrapper and the same papers as the abandoned application.

eligibility for RCE procedure. The following categories of applications are eligible for the RCE procedure:

- utility applications filed on or after June 8, 1995
- plant applications filed on or after June 8, 1995
- international (PCT) applications designating the United States and filed on or after June 8, 1995
- reissue applications filed on or after June 8, 1995

The following categories of applications are not eligible for the RCE procedure:

- design applications
- provisional applications
- utility applications filed before June 8, 1995
- plant applications filed before June 8, 1995
- international (PCT) applications filed before June 8, 1995
- reissue applications filed before June 8, 1995
- reexamination requests

In utility, plant, PCT, and reissue applications filed on or after May 29, 2000, the CPA procedure cannot to be used and the RCE procedure is to be used instead. The CPA procedure is limited to utility, plant, PCT, and reissue applications filed before May 29, 2000, and to designs. In utility, plant, PCT, and reissue applications filed on

or after June 8, 1995 and before May 29, 2000, applicants may use either the RCE procedure or the CPA procedure. In summary:

<u>application</u>	<u>eligible for</u>
design filed on any date	CPA
utility or plant or PCT or reissue filed before June 8, 1995	CPA
utility or plant or PCT or reissue filed on or after June 8, 1995 but before May 29, 2000	either CPA or RCE
utility or plant or PCT or reissue filed on or after May 29, 2000	RCE

NOTE: In utility and plant applications, the CPA procedure is eliminated as of July 14, 2003, regardless of the filing date of the utility or plant application. The CPA procedure will continue in design applications.

RCE and abandonment of application. The RCE procedure cannot be used after the utility, plant, or PCT application has been abandoned.

RCE and payment of issue fee and petition for withdrawal from issue. The RCE must be filed before the payment of the issue fee, unless a petition for withdrawal from issue is granted under 37 CFR 1.313(c). The SUPPLEMENTARY INFORMATION section of the *Official Gazette* notice [1233 OG 51] warns that the “Office cannot ensure that any petition [for withdrawal from issue] will be acted upon prior to the date of patent grant,” and says that “applicants are strongly cautioned to file any request for continued examination ... prior to payment of the issue fee” and that applicants otherwise should “call the Office of Petitions to determine whether sufficient time remains before the patent issue date to consider (and grant) a petition.”

improper use of CPA (when RCE should be used). If an applicant submits an improper CPA request, the PTO will treat the improper CPA request as an RCE. If the applicant does not want the PTO to treat the improper CPA request as an RCE, the applicant must file a petition requesting that the improper CPA be treated as a continuation or divisional application.

instructions for publication database contractor. There are no verification requirements, no data capture requirements, and no printing requirements with respect to the RCE activity in an application.

13D. Continued Prosecution Application (CPA)

***** CPA activity is not “related U.S. application data.” *****

[The CPA procedure for utility and plant patents is eliminated as of July 14, 2003, regardless of the filing date of the utility or plant application.

The procedures in 9. *Term Notice* and here in 13D will continue to be followed for utility/plant CPA applications, that is, paper applications with blue labels and IFW applications with code **ACPA or **DCPA** in the table of contents, allowed after July 14, 2003.]**

Attributes of CPA

replaces File Wrapper Continuing (FWC) procedures. As of December 1, 1997, the CPA procedure [37 CFR 1.53(d)] replaces the FWC procedure [37 CFR 1.62].

prior application. The prior application—that is, the application whose prosecution is being continued—must be one of the following:

- a U.S. application—utility, plant, design, or reissue [The CPA must be the same type of application as the prior application.]
- the national stage under 35 U.S.C. 371 of an international (PCT) application

continuation or division, but not a continuation-in-part. Because a CPA cannot present new subject matter, a CPA must be either a continuation or a division. Because a continuation-in-part presents new matter, it cannot be processed as a CPA.

NOTE: CPA continuations and divisions do not undergo the usual processing of continuations and divisions under 37 CFR 1.53(b). A CPA is processed as a continuation of prosecution of the prior application, not as a "child" application that is separate from the prior "parent" application. The CPA is not assigned a new application number or a new filing date. When a patent issues from a CPA, the CPA "continuation" or "division" information is not printed as continuity data (unless the prior application was itself a continuation or division, in which case any continuity data for the prior application will be printed) on the patent front page and is not printed in the first sentence of the specification.

prior application's file wrapper. Like the FWC procedure, the CPA procedure involves the recycling of the prior application's papers, and there is no need in the CPA for a new specification and no need (unless an inventor is being added) for a new oath/declaration.

prior application's application number and filing date. Unlike the FWC procedure, the CPA procedure recycles the prior application number and filing date and file wrapper.

processing within technology center (examining group). The CPA is processed within the technology center (examining group) that processed the prior application. The Office of Initial Patent Examination is generally not involved in the processing of CPA filings.

USPTO Processing of CPA

CPA request. The applicant may submit the CPA request directly to the examining group that handled the prior application. The CPA request must be submitted on a separate paper and cannot be submitted within papers filed for some other purpose. The CPA request must identify the application number of the immediately prior application. The immediately prior application becomes abandoned as of the filing date of the CPA request.

CPA request filed by fewer than all of the original inventors. Like any other continuation or division, a CPA continuation or division can be filed by fewer inventors than there were in the prior application. When fewer than all of the original inventors file the CPA request, the CPA request must be accompanied by a "statement requesting deletion" of an inventor or inventors. There is no requirement for a new oath/ declaration.

CPA request filed by an added inventor. If the CPA request adds an inventor to the prior application's inventorship, the applicants must file a petition under 37 CFR 1.48 and must file a new oath/declaration.

chain of CPA requests. The applicant may file a second CPA request based on the first, a third CPA request based on the second, etc. Only one CPA request is pending at a given time. There is no limit to the number of CPA requests that can be filed to continue the prosecution of the application. However, the chain of CPA requests must lead back to the most recent non-CPA application.

in CPA request, no "first sentence of the specification" reference to prior application. The CPA request is not to amend the specification to include a reference to the prior application. The CPA request is the specific reference required by 35 U.S.C. 120. However, the immediately prior non-CPA application (the one being recycled via the CPA procedures) may itself have parent data—that is, the "first

sentence of the [recycled] specification" must refer to any of its own prior applications.

CPA amendments. Any changes must be submitted "in the form of an amendment to the prior application as it existed prior to the filing of" the CPA request. If a new specification is filed with the CPA request, it will be treated as a substitute specification.

entry of CPA request. The PTO will enter each CPA request into the file wrapper and will make a CONTENTS entry like the following:

Request for CPA ***12/14/99***

blue CPA label. When a proper CPA request has been filed, the USPTO will place a distinctive adhesive label to the face of the file wrapper. The label will be bright blue in color and will be approximately 1.5" × 0.75" in size. The label will show the letters **CPA**.

CPA information is not continuity data. The file wrapper label (or PALM bibliographic data sheet) will not show any CPA information as continuity data. The only continuity data that will appear on the file wrapper label (or PALM bibliographic data sheet) will be the continuity data belonging to the prior non-CPA application—that is, the continuity data that was already on the PALM bibliographic data sheet (or file wrapper label) at the time of the filing of the CPA request. Similarly, the first sentence of the specification should not contain a reference to CPA activity.

prior application's papers that carry over to the CPA. The prior application's papers are recycled during the CPA activity. The prior application's papers that carry over to the CPA—and that the data base contractor will utilize during the publication process—include the following:

- oath/declaration (unless in the CPA a new oath/declaration was filed with a petition under 37 CFR 1.48 to add an inventor who was not named in the prior application)
- decision according status under 37 CFR 1.47
- specification (unless in the CPA a substitute specification was filed)
- information disclosure statements and Form PTO-892
- terminal disclaimer
- petitions to change or correct inventorship [37 CFR 1.48]
- foreign priority claims [35 U.S.C. 119(a)–(d)]
- continuity data and provisional application data [35 U.S.C. 119(e) and 120]

Pre-Capture Verification (CPA)

blue label. For the publication database contractor's purposes, a file is a "Continued Prosecution Application" file if the bright blue CPA label is present on the face of the file wrapper. It is the USPTO's responsibility to place the blue label on each file whose prosecution includes CPA activity. The publication database contractor is not required to verify that CPA request papers are present in the file wrapper. When the blue label is missing from a CPA file or when the blue label is present on a non-CPA file, the publication database contractor will not be charged for the consequent data-capture errors or printing errors.

no CPA reference in first sentence of specification. In a CPA file (one on which the USPTO has placed a blue CPA label), the publication database contractor will make certain that no CPA references appear in the first sentence of the specification. A "first sentence of the specification" continuing data statement in a CPA file cannot refer to the application number of the application in hand. That is, in a CPA file the "first sentence" cannot state that the application is a continuation or division of itself, and cannot otherwise refer to CPA activity or to 37 CFR 1.53(d). The publication database contractor is to return the file to the USPTO via a "printer waiting" **QUERY** if:

➤ *In a CPA file, the specification contains, or is amended to contain, a "first sentence" which states that the application is a continuation or division of itself, or contains a reference to CPA activity or to 37 CFR 1.53(d).* The query message should direct the examiner to 37 CFR 1.78(a)(2).

no CPA information in PALM version of continuing data. In a CPA file (one on which the USPTO has placed a blue CPA label), the PALM bibliographic data sheet's (or file wrapper label's) version of the continuing data should not indicate that the application in hand is a continuation or division of itself. The publication database contractor is to return the file to the USPTO via a "printer waiting" **QUERY** if:

➤ *In a CPA file, the file wrapper label's (or PALM bibliographic data sheet's) version of the continuing data indicates that the application in hand is a continuation or division of itself.*

Composition (CPA)

When there was CPA activity during the prosecution of the application, the issuing patent's front page will show the following:

application number [utility, plant, design, reissue]. The application number printed at INID code (21) is the application number of the immediately prior non-CPA application—that is, the application number of the case in hand.

filing date [utility, plant, design, reissue]. The filing date is the filing date of the immediately prior non-CPA application:

- When the prior non-CPA application was a U.S. application, the filing date is the filing date of the case in hand. This date is printed at INID code (22) with the side-heading Filed: (including the colon).
- When the prior non-CPA application was the U.S. national stage under 35 U.S.C. 371 of an international (PCT) application, the filing date is the international (PCT) filing date. This date is printed at INID code (22) with the side-heading PCT Filed: (including the colon).

CPA information not to appear on the printed patent [utility, plant, design, reissue]. CPA information—such as a date of filing of a CPA request, or a statement about a CPA continuation or division—is not printed on the patent front page in the related U.S. application data; and the CPA information is not printed in the "first sentence of the specification."

Under **9. Term Notice** see **Data Source (CPA)**,
Pre-Capture Verification (CPA), and **Composition (CPA)**.

The 20-year term notice will be printed on any utility (or plant) patent issuing from an application whose prosecution included CPA activity—that is, a paper application whose file wrapper face shows a blue CPA label or an IFW application whose table of contents includes code **ACPA** or **DCPA**.

Example #1

CPA of U.S. utility application with no continuity data

■ **chronology**

Apr. 3, 1998 → 09/nnn,nnn filed; original U.S. application
Jan. 6, 2000 → CPA request filed; division of 09/nnn,nnn
Oct. 5, 2000 → 2nd CPA request filed; division of 09/nnn,nnn
Mar. 4, 2001 → 3rd CPA request filed; division of 09/nnn,nnn

■ **file wrapper: CPA label (= code DCPA in IFW application)**

■ **PALM bib data sheet: no continuing data**

■ **no "first sentence of specification" reference in applicant's typescript**

■ **front page of printed patent**

(*) Notice: This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).

(21) Appl. No.: 09/nnn,nnn

(22) Filed: Apr. 3, 1998

■ **no "first sentence of specification" reference in printed patent**

Example #2

CPA of U.S. utility application with continuity data

■ **chronology**

Mar. 1, 1997 → 08/xxx,xxx filed; original application
Jan. 9, 1998 → 09/yyy,yyy filed; continuation of 08/xxx,xxx
Dec. 6, 1999 → CPA request filed; continuation of 09/yyy,yyy
Apr. 4, 2000 → 2nd CPA request filed; continuation of 09/yyy,yyy

■ **file wrapper: CPA label (= code ACPA in IFW application)**

■ **PALM bib data sheet**

CONTINUING DOMESTIC DATA***
THIS APPLN IS A CONT OF 08/xxx,xxx, 03/01/97, ABN

■ **"first sentence of specification" reference in applicant's typescript**

This application is a continuation of U.S. application No.
08/xxx,xxx, filed Mar. 1, 1997, now abandoned.

■ **front page of printed patent**

(*) Notice: This patent issued on a continued prosecution
application filed under 37 CFR 1.53(d), and is
subject to the twenty year patent term provisions
of 35 U.S.C. 154(a)(2).

(21) Appl. No.: 09/yyy,yyy

(22) Filed: Jan. 9, 1998

Related U.S. Application Data

(63) Continuation of application No. 08/xxx,xxx, Mar. 1, 1997, abandoned.

■ **"first sentence of specification" reference in printed patent**

This application is a continuation of U.S. application No.
08/xxx,xxx, filed Mar. 1, 1997, now abandoned.

Example #3

CPA of U.S. national stage of PCT application

■ **chronology**

Sep. 9, 1997 → 97DDDDD filed; Netherlands national application
 Sep. 1, 1998 → PCT/NL98/RRRRR filed; international application
 Mar. 8, 1999 → WO99/PPPPP published; international application
 May 3, 1999 → 09/uuu,uuu filed; U.S. national stage of international application
 Dec. 9, 1999 → CPA request filed; continuation of 09/uuu,uuu

■ **file wrapper: CPA label (= code ACPA in IFW application)**

■ **PALM bib data sheet**

```
**371 (NAT'L STAGE) DATA*****
      PCT/NL98/RRRRR, 09/01/98
**FOREIGN APPLICATIONS*****
      NETHERLANDS      97DDDDD 09/09/97
```

■ **no "first sentence of specification" reference in applicant's typescript**

■ **front page of printed patent**

(*) Notice: This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).

(21) Appl. No.: **09/uuu,uuu**

(22) PCT Filed: **Sep. 1, 1998**

(86) PCT No.: **PCT/NL98/RRRRR**

§ 371(c)(1),
 (2), (4) Date: **May 3, 1999**

(87) PCT Pub. No.: **WO99/PPPPP**

PCT Pub. Date: **Mar. 8, 1999**

(30) **Foreign Application Priority Data**

Sep. 9, 1997 (NL)97DDDDD

■ **no "first sentence of specification" reference in printed patent**

14. Foreign Application Priority Data

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see codes ADS (application data sheet), OATH (oath or declaration), NOA (Notice of Allowance and related papers), CTNF (non-final rejection), CTFR (final rejection), CTMS (miscellaneous action, specifically Form PTOL-147, PRIORITY ACKNOWLEDGMENT), FRPR (certified copy of foreign application), ARTIFACT (artifact sheet), and the section with the heading ***Foreign Priority Data***.

In an IFW application, foreign priority data will be captured and published when

- (a) the OATH or ADS shows each foreign application number, country, and date;
- (b) the CTNF or CTFR or NOA shows the examiner's acknowledgment of the priority claim; and
- (c) one of those same documents or the Form PTOL-147 (PRIORITY ACKNOWLEDGMENT, indexed as CTMS) shows the acknowledgment of receipt of the certified copy.

IFW may show the certified copy (indexed as FRPR) in its entirety, or it may show only the first page of the certified copy, or it may show an artifact sheet (ARTIFACT) indicating that a certified copy was filed but that it was not scanned into the IFW system. As a general rule in IFW processing, the certified copy should be removed as a validation step for foreign priority data.

* * *

The foreign application priority data to be captured is as follows:

- foreign country (or international entity such as European Patent Office, African Intellectual Property Organization, etc.)
- foreign application number
- foreign filing date

If no application data sheet was filed, the data source is the latest-filed oath/declaration.

If an application data sheet was filed, see the next page (under **when an ADS was filed**) for an explanation of the data source.

Pre-Capture Verification

See 35 U.S.C. 119(a)–(d) and 35 U.S.C. 365. See 37 CFR 1.55 and 37 CFR 1.63(c). See the following sections of the MPEP:

<u>Subject</u>	<u>MPEP</u>
right of priority based on foreign patent application	201.13
priority based on foreign application for inventor's certificate	201.13(a)
priority based on international PCT application	201.13(b)
formal requirements for foreign priority	201.14
time requirement for filing priority papers	201.14(a)
priority papers (claim + certified copy)	201.14(b)
PTO procedures for foreign priority	201.14(c)
formats for foreign application numbers*	201.14(d)
foreign priority notations on file wrapper	202.03
foreign priority information on oath/declaration	202.04

- * The publication database contractor will not use MPEP 201.14(d) as a reference, but instead will use *Appendix D: WIPO Standard ST.10/C*.

In paper applications, the publication database contractor must perform several verification steps, beginning with the verification that the following five conditions have been met:

Condition #1

The country, application number, and filing date (day, month, year) of the prior foreign application must appear on the oath or declaration, or on an application data sheet (ADS).

The foreign priority application may be:

- an application filed directly in a foreign country for patent protection in that country (such as an application filed in Japan for a patent to be issued by Japan)
- an application filed with a treaty organization (such as an application filed with the European Patent Office for a patent to be issued by that entity) or an international application filed under the Patent Cooperation Treaty (in which the applicant designates or elects all the countries in which he/she wants to apply for patents).

Therefore the country name may be the name of an actual country (Spain, Canada, etc.) or the name of an international entity (African Intellectual Property Organization). For any application filed under the Patent Cooperation Treaty, the "country" is the World Intellectual Property Organization (WIPO).

when an ADS was filed. Under 37 CFR 1.76(b)(6), the applicant may use an application data sheet (ADS) to file information about prior foreign applications. "Providing this information on the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b)" When the applicant has submitted an ADS, the oath/declaration is not required to identify the prior foreign applications. However, the applicant may elect to provide the foreign priority information both on the oath/declaration and on the ADS. Furthermore, the applicant may identify foreign applications in an oath or declaration without claiming priority under 35 U.S.C. 119(b) to foreign applications. If the oath/declaration and the ADS disagree as to the foreign application priority information, the source for the capture and printing of foreign priority data is the "latest submitted" (most recent) document, whether oath/declaration, supplemental oath/declaration, ADS, or supplemental ADS. If the most recent oath/declaration and the most recent ADS were submitted on the same date, the governing source for the capture and printing of foreign priority data is the ADS. If no ADS is present, the source for the capture and printing of foreign priority data remains the file wrapper label (or PALM bibliographic data sheet), subject to the verification instructions found here.

Condition #2

The applicant must, on the oath/declaration or on some other paper, have made a claim for the foreign priority benefit. Note (see under *when an ADS was filed* on the preceding page) that an applicant's providing of foreign priority data via an application data sheet (ADS) constitutes the claim for priority.

See MPEP 201.14(b) for more information about Condition #2. The claim for priority may be (i) part of the oath/declaration, (ii) an application data sheet containing foreign priority data, (iii) a separate paper filed by the applicant, or (iv) a statement by the attorney or agent at the time the certified copy is being transmitted. No special wording is necessary in the priority claim, as long as the wording "can be reasonably interpreted" as a priority claim.

Usually, the oath/declaration will satisfy Conditions #1 and #2 by including wording similar to the following:

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application(s) designating at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign/PCT Application(s)</u>			<u>Priority Claimed</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(number)	(country)	(filing date)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(number)	(country)	(filing date)	

The publication database contractor must check the oath/declaration's priority information (number, country, filing date of any application on which foreign priority is being claimed) against the certified copy and against the foreign priority data on the file wrapper.

Condition #3

A certified copy of the foreign application must be present in the application file, or a certified copy must be present in the file of a U.S. parent application.

See MPEP 201.14(b). The certified copy "is a copy of the original foreign application with a certification by the patent office of the foreign country in which it was filed." Usually the certified copy has not been translated into English. Most countries place distinctive ribbons and seals on their certified copies.

In an original U.S. application, the actual certified copy of the foreign application must be present in the file.

In a U.S. continuation, division, or continuation-in-part, it is acceptable that the certified copy of the foreign application be located in the U.S. parent. However, this fact must be acknowledged by the examiner. See Condition #5.

In a U.S. national stage case under 35 U.S.C. 371, there is usually a 35 U.S.C. 119(a)–(d) foreign priority claim based on the application that the applicant filed in his/her home country during the year preceding his/her filing of the international (PCT) application. In such a U.S. national stage case, the file usually contains a photocopy—stamped PRIORITY DOCUMENT—of the certified copy. This satisfies Condition #3.

Condition #4

The U.S. application must have been filed within 12 months after the filing of the foreign application in a "recognized country."

See MPEP 201.13, which defines "recognized country."

To meet Condition #4, the U.S. effective filing date must be within 12 months of the filing date of the foreign application. If there are multiple foreign applications, Condition #4 is met if the U.S. effective filing date is within 12 months of the filing of the earliest foreign application.

- In an original U.S. application, there is no distinction between the filing date and the effective filing date.
- In a U.S. continuation, division, or continuation-in-part, the effective filing date is the filing date of the earliest non-provisional parent under 35 U.S.C. 120. See **13B. Related U.S. Application Data.**
- In the U.S. national stage of an international (PCT) application, the U.S. effective filing date is the international (PCT) filing date. See **12. National Stage PCT Data.**

NOTE: On April 10, 1996, a Memorandum of Understanding was signed between the American Institute in Taiwan and the Taipei Economic and Cultural Representative in the United States, which establishes a reciprocal right of priority in patent and trademark applications between the U.S. and Taiwan. U.S. applicants who seek patent protection in Taiwan may claim a right of priority based on patent applications filed in the U.S. on or after April 10, 1996, and the same right of priority is available on the basis of reciprocity to applicants from Taiwan who seek patent protection in the U.S. Therefore, since the PTO cannot accord the benefit of the filing date of an application filed in Taiwan before April 10, 1996:

- When the data base contractor encounters a 35 U.S.C. 119(a)-(d) claim based on an application filed in Taiwan before April 10, 1996, and the examiner has indicated ☒ **yes** for **35 USC 119 conditions met**, the data base contractor will return the file to the PTO via a "printer waiting" **QUERY**.
- When the data base contractor encounters a 35 U.S.C. 119(a)-(d) claim based on an application filed in Taiwan on or after April 10, 1996, the data base contractor will follow the same procedures that are followed with respect to applications filed in all the other countries for which the U.S. recognizes a right of priority.

Condition #5

The USPTO examiner must have (a) acknowledged the claim for foreign priority and (b) acknowledged the receipt of the certified copy of the foreign application.

See MPEP 201.14(c) and 202.03. The examiner must make these acknowledgments on paper(s) in the file—such as Form PTOL-326 EXAMINER'S ACTION or Form PTOL-37 NOTICE OF ALLOWABILITY. For example:

- ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119.
The certified copy has ☒ been received ☐ not been received
☐ been filed in parent application Serial No. _____, filed on _____.

In all cases—that is, cases with foreign priority claims and cases without foreign priority claims—the examiner should complete the foreign priority section of the PALM bibliographic data sheet (or file wrapper label), both the FOREIGN APPLICATIONS section and the Foreign priority claimed check-boxes. However, as long as paper(s) within the file show that the examiner has acknowledged the claim for foreign priority and has acknowledged receipt of the certified copy of the foreign application, the data base contractor should **not** initiate a “printer waiting” query merely because the Foreign priority claimed check-boxes are incorrect or incomplete.

EXAMPLE: no foreign priority claim

FOREIGN APPLICATIONS***

VERIFIED

NONE CVH

and

Foreign priority claimed ☐ yes ☒ no
35 USC 119 (a–d) conditions met ☐ yes ☒ no ☐ Met after Allowance
CVH

Verified and Acknowledged _____
Examiner's Initials Initials

EXAMPLE: foreign priority claim

FOREIGN APPLICATIONS***

VERIFIED NORWAY 994321 12/14/99

SSJ

and

Foreign priority claimed ☒ yes ☐ no
35 USC 119 (a–d) conditions met ☒ yes ☐ no ☐ Met after Allowance
SSJ

Verified and Acknowledged _____
Examiner's Initials Initials

A checked ☐ Met after Allowance box is equivalent to a checked ☐ yes box.

Further Verification Instructions

If the examiner has indicated on the PALM bibliographic data sheet (or file wrapper label) that there is no foreign priority claim—that is, if the word "None" and the examiner's initials appear in the FOREIGN APPLICATIONS section, and if the examiner's initials and both **no** boxes have been checked in the **Foreign priority claimed** check-boxes—then the data base contractor may proceed on the assumption that there is no foreign priority claim.

If the examiner has left blank the FOREIGN APPLICATIONS section and the **Foreign priority claimed** check-boxes, the data base contractor is to check the oath/declaration for a statement that there is no prior foreign application for the same subject matter. If the oath/declaration contains such a statement, the data base contractor may proceed on the assumption that there is no foreign priority claim.

Otherwise, if a foreign priority claim is in any way indicated by the file record, the data base contractor is to proceed with verifying that all the above-described five conditions have been met.

The file is to be returned to the PTO via a "printer waiting" **QUERY** if:

- *The oath/declaration does not identify each foreign priority application's number, filing date (day/month/year), and country.* [see Condition #1]
- *There is no foreign priority claim on the oath/declaration or on any other paper.* [see Condition #2]
- *The certified copy is not present in the file, or there is no acknowledgment that the certified copy is in a parent application.* [see Condition #3]
- *The foreign priority application was not filed in a "recognized" country listed in MPEP 201.13.* [see Condition #4]
- *The foreign priority application was filed more than 12 months prior to the U.S. effective filing date.* [see Condition #4]
- *The examiner has not acknowledged the claim for foreign priority and/or the examiner has not acknowledged receipt of the certified copy.* [Condition #5]
- *There are discrepancies with respect to application numbers, filing dates, etc. — for example, the certified copy is of a foreign application that is not identified on the file wrapper label (or PALM bibliographic data sheet) and/or in the foreign priority claim.*
- *The foreign priority claim is based on a U.S. application.* An improper foreign priority claim based on a prior U.S. application is most likely to occur in the U.S.

national stage (filed under 35 U.S.C. 371) of an international (PCT) application, when the applicant filed a U.S. application during the year preceding his/her filing of the international application. The relevant section of the MPEP is § 1893.03(c) **The Priority Date, Priority Claim, and Priority Papers for a U.S. National Stage Application**, specifically the sub-section with the heading *Priority Claim Under 35 U.S.C. 120*. Therefore, when a U.S. national stage PCT application is being queried because the foreign priority is based on a U.S. application, the query should refer to MPEP 1893.03(c), as in the following example:

A 35 U.S.C. 119(a)-(d) foreign priority claim cannot be based on a U.S. application. Please make all necessary corrections to file wrapper and specification. See MPEP 1893.03(c), "Priority Claim Under 35 U.S.C. 120."

Capturing Foreign Application Numbers

The relevant guide is *Appendix D: WIPO Standard ST.10/C*, to be used in accordance with the following guidelines:

Beginning Jan. 1, 2000, the Japanese Patent Office changed its application number format. The first element in the application number became the 4-digit Gregorian year, instead of the 1- or 2-digit number, representing a year of the Japanese Emperor's reign, that had been used in years through 1999. Examples:

a Japanese application filed in 1985 → 60-210987

a Japanese application filed in 1995 → 7-210987

a Japanese application filed in 2001 → 2001-210987

This new format represents a departure from the one presented in WIPO Standard ST.10/C, as it appears in *Appendix D*. There are additional departures: several other countries have begun, or will begin, using 4-digit Gregorian years in application numbers.

The following instructions apply only to the publication of foreign priority document numbers. They do not apply to document numbers anywhere else in the application (e.g., when cited on a PTO-892 or an IDS).

Japanese priority citations:

If the filing date of the Japanese application is Jan. 1, 2000 or later:

- Publish the 4-digit Gregorian year, a hyphen, and the application number proper. Do not convert the Gregorian year to an emperor year. [e.g., 2000-135791]

If the filing date of the Japanese application is Dec. 31, 1999 or earlier:

- Publish the 1- or 2-digit Emperor year, a hyphen, and the application number proper. [e.g., 9-135791]
- If the declaration has used a Gregorian year (2 or 4 digits) in the application number instead of an Emperor year, convert the Gregorian year to an Emperor year.
 - An application filed in 1988 or earlier has an Emperor year equal to the year of filing minus 1925.
 - An application filed from 1989 to 1999 has an Emperor year equal to the year of filing minus 1988.
 - Examples:

123456/85 becomes 60-123456

(1999)109876 becomes 11-109876

If the declaration clearly identifies a Japanese priority application as a utility model application, publish two blank spaces and a U following the application number.

priority citations from countries other than Japan:

If the format of the application number on the declaration matches, or can be readily accommodated to match, the “Example of Application Number” shown in *Appendix D*, publish the “Recommended Presentation” form of the number.

If the format of the application number on the declaration substantially differs from the example shown in *Appendix D*, publish the application number as shown – e.g., do not convert 4-digit years to 2-digit years.

Variations in spacing, punctuation, the number of lead zeroes or the like are not substantial differences. [e.g., MI.98A.00234 converts to MI98A0234]

If the format of the application number or other evidence on the declaration clearly identifies a priority application as a utility model application, publish two blank spaces and a U following the application number.

Hague Agreement Code “WO”

As stated in WIPO Standard ST.3, Page 3.3.9, Endnote 5, shown below in part:

The code “WO” is used in relation to the international publication under the Patent Cooperation Treaty (PCT) of international applications filed with any PCT receiving Office, as well as in the publication of international deposits of industrial designs under the Hague Agreement Concerning the International Deposit of Industrial Designs. . . .

Therefore when a Hague Agreement document is listed in (30) **Foreign Application Priority Data**, the two-character code will be WO. For example:

foreign priority → Oct. 18, 2001 (WO)DM/058 015

Foreign Priority Based on Plant Breeder’s Rights (PBR)

Under 35 U.S.C. 119(f) a U.S. plant application or U.S. utility application may claim a foreign priority benefit based on an earlier foreign application for plant breeder’s rights.
See **Plant Patent** in ***Data Entry for Non-Utility Patent Publications***.

Composition

Foreign application priority data is to be printed in the following order:

- filing date [*required*]
- national stage PCT data [*if present*]
- prior publication data [*if present*]
- related U.S. application data [*if present*]
- foreign application priority data [*if present*]

The following information is printed for each valid foreign priority application:

- date of filing
- two-character code (in parentheses) for country or treaty organization
- application number

The INID code for foreign application priority data is (30).

■ INID code (30) is printed as follows:

- 9-point
- Times New Roman
- flush left on same line as heading **Foreign Application Priority Data**

■ The heading **Foreign Application Priority Data** is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase
- centered in the column on same line as INID code (30)

■ The foreign application data is to be printed as follows:

- 8-point
- Times New Roman
- uppercase and lowercase
- arranged in four columns, each aligned flush left
- filing date column: month/day/year, with month abbreviated as follows:
Jan. Feb. Mar. Apr. May Jun.
Jul. Aug. Sep. Oct. Nov. Dec.
- country (or treaty) code column: two alphabetic characters within parentheses; print the appropriate code that appears in *Appendix B : Two-Character Codes for Countries and Intergovernmental Organizations* [Note that any time a PCT application appears as a foreign priority document, the code to be printed is (WO).]
- leader dots fill the span from country (or treaty) code and application number
- application number column: Above see **Capturing Foreign Application Numbers**.

<p style="text-align: center;">E X A M P L E S of composed foreign application priority data</p>
--

foreign patent application:

(30) **Foreign Application Priority Data**

Dec. 14, 1999 (NO) 994321

foreign utility model application:

(30) **Foreign Application Priority Data**

Jan. 17, 1999 (IT) RO99B0001 U

application filed under treaty:

(30) **Foreign Application Priority Data**

Mar. 27, 1999 (WO) PCT/DE99/00222

multiple foreign applications:

(30) **Foreign Application Priority Data**

Apr. 20, 2000 (JP) 2000-45678
May 3, 2000 (JP) 2000-56784
Jun. 25, 2000 (JP) 2000-65678 U

15. *International Classification Data*

Data Source

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see code IIFW (File Wrapper Issue Information).

In an IFW application the source for the international classification data is the INTERNATIONAL CLASSIFICATION boxes in the ISSUE CLASSIFICATION section of the IIFW document.

* * *

The sole source for the international classification data is the **ISSUING CLASSIFICATION** section of the file wrapper, where the examiner will have written the international patent classification(s) in the **INTERNATIONAL CLASSIFICATION** boxes. An international classification is rendered in the form of an International Patent Classification (IPC) code. IPC codes are set forth in the manual entitled *International Patent Classification*, which is issued by the World Intellectual Property Organization (WIPO) and the *Seventh Edition (2000)* of which went into effect on January 1, 2000.

The "principal" IPC code will be the first or sole IPC code shown in the source. There may be additional ("supplemental") IPC codes in the source. All IPC codes shown on Form PTO-270 are to be captured.

NOTE: See **DATA ENTRY FOR NON-UTILITY PATENT PUBLICATIONS**. Design patents show Locarno classifications instead of IPC codes.

Pre-Capture Verification

See MPEP 903.09.

completeness and legibility of IPC code(s). The publication database contractor will make sure that complete and legible IPC code(s) are present in the source. A complete IPC code consists of the following elements:

- uppercase alpha
- two numerics
- uppercase alpha

- space
- one to three numerics
- diagonal
- two or more numerics [Edition 7 shows IPC codes which have as many as five numerics after the diagonal.]

For example: B24B 31/00, A21B 3/04, and G03C 1/815.

The publication database contractor will initiate a "printer waiting" **QUERY** if:

- ***There is no IPC code in the source.***
- ***An IPC code in the source is incomplete.*** For example, a query is necessary if there is only one numeric after the diagonal.
- ***An IPC code in the source is illegible.***

Composition

International classification data is required on each patent front page. It will be printed in accordance with the following order:

- filing date [*required*]
- “national stage” PCT data [*if present*]
- prior publication data [*if present*]
- related U.S. application data [*if present*]
- foreign application priority data [*if present*]
- international classification [*required*]
- U.S. classification [*required*]

The INID code for the international classification is (51).

- INID code (51) is printed as follows:

- 9-point
- Times New Roman
- flush left on same line as heading **Int. Cl.**⁷

- The heading **Int. Cl.**⁷ is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase

- The principal (first or sole) IPC code is printed as follows:

- 9-point
- Times New Roman Bold
- all alphabetic characters uppercase

- preceded by dot leaders (if omission of dot leaders occurs, at least one enspace must appear between heading and IPC code)
- right-justified when there are no supplemental IPC code(s)
- followed by semicolon if supplemental IPC code(s) are present

■ Any supplemental IPC code(s) are printed as follows:

- 9-point
- Times New Roman
- all alphabetic characters uppercase
- following principal IPC code, same line
- right-justify multiple lines

■ Additional printing instructions for IPC codes:

semicolon. Print semicolon to separate IPC codes.

internal space. Print a space between the second uppercase alpha and the remainder of the IPC code.

internal diagonal. Print a diagonal between the "one to three numerics" and the "two or more numerics" in an IPC code.

no internal line break. Do not break an IPC code to overflow to a second line.

<p style="text-align: center;">E X A M P L E S</p> <p style="text-align: center;">of composed international classification data</p>

principal IPC code:

(51) Int. Cl.⁷..... B24B 31/00

principal IPC code + supplemental IPC codes:

(51) Int. Cl.⁷..... G03C 1/815; F21V 7/00;
G03B 11/00; G21K 3/00; H01K 1/26

NOTE: See ***DATA ENTRY FOR NON-UTILITY PATENT PUBLICATIONS***. In a design patent a single Locarno classification is published.

16. *U.S. Classification Data*

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see code IIFW (File Wrapper Issue Information).

In an IFW application the source for the **original** U.S. classification is the ORIGINAL subsection of the ISSUE CLASSIFICATION section of the IIFW document.

In an IFW application the source for the **cross-reference** U.S. classifications is the CROSS REFERENCE(S) subsection of the ISSUE CLASSIFICATION section of the IIFW document.

* * *

The sole source for the U.S. classification data—both the U.S. original classification and the U.S. cross-reference classification(s)—is the **ISSUING CLASSIFICATION** section of the file wrapper, where the examiner makes the appropriate entries under **ORIGINAL** and **CROSS REFERENCE(S)**. (If there are additional cross-references, the examiner shows them on an issue classification slip that is stapled to the file wrapper.)

Pre-Capture Verification

See MPEP 902 (**Search Tools and Classification Information**) and MPEP 903 (**Classification**). See *Manual of Classification*.

formats for U.S. classes:

- A utility class consists of one, two, or three numbers—for example, Class 8, Class 96, and Class 401.
- A design class consists of a D plus one or two numbers—for example, Class D4 and Class D22.
- The sole plant class is Plt.

formats for U.S. subclasses:

- A subclass may be up to six characters in length and may contain a decimal:
 - one, two, or three numbers without a decimal—for example, Subclass 1, Subclass 31, and Subclass 336
 - one, two, or three numbers before a decimal—for example, Subclass 1.1, Subclass 34.8, and Subclass 133.05
 - one, two, or three numbers after a decimal—for example, Subclass 321.8, Subclass 96.21, and Subclass 39.463
 - one or two alphabetic characters after all numbers—for example, Subclass 67.10 R and Subclass 144 AP
- For cross-references only, sometimes a numbered digest will appear in place of a subclass—for example, Class 1, DIG. 1
- A “foreign” collection (FOR + three digits) may appear in place of a subclass, for example, FOR 110
- E-subclasses are cross-reference collections corresponding to a classification in the European Classification system (ECLA). **An E subclass** (the letter E + up to five alphanumeric characters, for example, Class 257, Subclass E33.009; or Class 999, Subclass E99.99 A) **can appear only in a U.S. cross-reference. It is improper for the original U.S. classification to contain an E subclass.** If the ISSUE CLASSIFICATION information provided by the examiner (such as on the “File Wrapper Issue Information” document coded as **IIFW**) shows an E subclass in the **ORIGINAL** classification’s **SUBCLASS** box, the publication database contractor will initiate a “printer rush” **QUERY** requiring that the E subclass be changed to a U.S. subclass. See **QUERY** guidelines below.

completeness and legibility of U.S. original classification. The publication database contractor will make sure that the **ORIGINAL** section shows a complete and legible class and a complete and legible subclass. The subclass of the original U.S. classification cannot be a digest.

completeness and legibility of any U.S. cross-reference classification(s). The publication database contractor will make sure that the **CROSS REFERENCE(S)** section shows complete and legible classes and subclasses. The boxes are so arranged that a class can be entered once, followed by multiple subclasses. It is acceptable that there be no U.S. cross-reference classification.

one subclass per block for U.S. cross-references in ISSUING CLASSIFICATION data source. In the U.S. **CROSS REFERENCE(S)** section of an allowed application’s **ISSUING CLASSIFICATION** boxes, the subclass heading is **SUBCLASS (ONE SUBCLASS PER BLOCK)**. However, in rare instances examiners have entered actual ranges of U.S. subclasses under **CROSS REFERENCE(S)**, or have entered hyphenated U.S. subclasses that resembled ranges. When such subclass ranges or hyphenated subclasses have

been published under (52) U.S. Cl. (<B520>), users of USPTO data have reported problems in the searching of classifications. In order to avoid publishing subclass ranges and/or hyphenated subclasses under (52) U.S. Cl. (<B520>), the publication database contractor should initiate a "printer waiting" **QUERY** in the following circumstance:

➤ *Under U.S. CROSS REFERENCE(S) in the allowed application's ISSUING CLASSIFICATION boxes, there is a subclass range or there is a hyphenated subclass.* For example, a subclass specified as:

328-47

56-58

13-6

NOTE: This query instruction does not pertain to U.S. subclass ranges in the allowed application's **SEARCHED** section. It is correct for U.S. subclass ranges to be published under (58) Field of Search.

Otherwise the file is to be returned to the PTO via a "printer waiting" **QUERY** if:

- *No class and subclass are shown in the ORIGINAL section of the source.*
- *The ORIGINAL section of the source shows a class without a subclass or a subclass without a class.*
- *The ORIGINAL section of the source shows a digest number in the SUBCLASS box.*
- *The CROSS REFERENCE(S) section of the source shows a class with no subclass(es) or shows subclass(es) with no class.*
- *A U.S. class or subclass in the source is illegible.*
- *The ORIGINAL section of the source shows an E subclass in the SUBCLASS box.*

Composition

U.S. classification data is required on each patent front page. It will be printed in accordance with the following order:

- filing date [*required*]
- "national stage" PCT data [*if present*]
- prior publication data [*if present*]
- related U.S. application data [*if present*]

- foreign application priority data [*if present*]
- international classification [*required*]
- U.S. classification [*required*]

The INID code for U.S classification data is (52).

■ INID code (52) is printed as follows:

- 9-point
- Times New Roman
- flush left on same line as heading **U.S. Cl.**

■ The heading **U.S. Cl.** is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase

■ The U.S. original classification is printed as follows:

- 9-point
- Times New Roman Bold
- all alphabetic characters uppercase
- preceded by dot leaders (if omission of dot leaders occurs, at least one en-space must appear between heading and U.S. original classification)
- right-justified when there are no cross-references
- followed by semicolon if cross-references are present

■ Any U.S. cross-reference classification(s) are printed as follows:

- 9-point
- Times New Roman
- all alphabetic characters uppercase
- following U.S. original classification, same line
- right-justify multiple lines

■ Additional printing instructions for U.S. classifications:

class/subclass unit. Print a class and subclass for each classification.

diagonal. Print a diagonal between the class and subclass in each class/subclass unit.

space. In a subclass, print a space between the numeric characters and any alphabetic characters.

semicolon. Print a semicolon after each class/subclass unit except the last one.

line breaks. Print each class/subclass unit on the same line. Do not break a class/subclass unit to overflow to another line.

<p style="text-align: center;">E X A M P L E S of composed U.S. classification data</p>

U.S. original classification:

(52) U.S. Cl..... 206/521

U.S. original classification + U.S. cross-reference classifications:

(52) U.S. Cl..... 358/21 R; 358/29; 358/43;
358/133; 358/136; 358/213.11; 358/296

17. *Field of Search*

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see code SRFW (File Wrapper Search Information).

In an IFW application the source for the field of search is the SEARCHED box on the SRFW document.

* * *

Data Source

The source for capturing the field of search is the file wrapper's **SEARCHED** box, into which the examiner will have entered U.S. classes/subclasses, IPC codes (international classifications), and other information.

Although the examiner also records search information in the **INTERFERENCE SEARCHED** box and in the **SEARCH NOTES** box, the only search information that gets captured is information in the **SEARCHED** box.

Certain types of information in the **SEARCHED** box are not captured. See **Pre-Capture Verification** below.

Pre-Capture Verification

See MPEP 717.05 (**Field of Search**) and MPEP 902 (**Search Tools and Classification Information**). See *Manual of Classification*.

The following types of information in the **SEARCHED** box are captured:

- U.S. class and subclass(es)

164/97
395/143, 164, 200
D23/241

- U.S. class and subclass range

280/802–819

- U.S. class and digest number

364/Dig. 1

- IPC code (rarely appears in **SEARCHED** box; cannot be captured in ranges)

F02K 5/00

C04B 11/28

- indication of limited search

200/6 R (U.S. only)

73/302 (1980 to date)

- indication of mechanized search

364/200 MS File

364/900 MS File

Steroids MS File

The following types of entries in the **SEARCHED** box are not captured:

- illegible entries
- duplicate entries
- incomplete U.S. entries, such as a class without subclass
- U.S. "digest" entries when digest numbers are not available [see below]
- patent number or application number
- references to *Chem. Abstracts*, *J.A.C.S.*, *Engineering Index*, etc.
- dates of searches [see **Date** column]
- examiner's initials [see **Exmr.** column]
- words such as *Cursory*, *Inquired*, *Consulted*, *All*, *Update*, etc.

At least one classification must be captured for the field of search. Therefore, the **SEARCHED** box cannot be blank. There must be at least one valid—that is, legible, complete, etc.—entry in the **SEARCHED** box. (See query guidelines below.)

IPC codes must be complete. An IPC must have the following elements to be complete (see query guidelines below):

- uppercase alpha
- two numerics
- uppercase alpha
- space
- one to three numerics

- diagonal
- two or more numerics

The *Manual of Classification* may be used for the verification of U.S. class/subclass information, including the identification of a digest number. (i) The *Manual of Classification* may be helpful in clarifying questionable U.S. class/subclass entries. (ii) When a U.S. subclass position is occupied by a verbal description of the digest—for example, *Infant Headgear Digest* appears instead of a digest number—then the *Manual of Classification* can be used to determine the Arabic number assigned that digest. If no digest number can be determined, neither the class nor the digest is captured.

IPC codes are not to be shown in ranges. In the **SEARCHED** box, IPC codes must not be presented in ranges. (See query guidelines below.)

The file is to be returned to the USPTO via a "printer waiting" **QUERY** if:

- ***The SEARCHED box is blank or it otherwise does not contain at least one valid entry.***
- ***The SEARCHED box shows an illegible or incomplete IPC code.***
- ***The SEARCHED box shows a range of IPC codes.***

Composition

The field of search immediately follows the U.S. classification data. The INID code for the field of search is (58).

■ INID code (58) is printed as follows:

- 9-point
- Times New Roman
- flush left on same line as heading **Field of Search**

■ The heading **Field of Search** is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase

■ The search data is printed as follows:

- 9-point
- Times New Roman
- all alphabetic characters uppercase
- preceded by dot leaders (if omission of dot leaders occurs, at least one en-space must appear between heading and search data)
- right-justified

- U.S. classifications are to precede any IPC codes.
- Additional printing instructions for search data's U.S. classifications:
 - diagonal.** Print a diagonal between the class and the subclass.
 - space, not parentheses, in subclass.** Print a space between the numeric part of a subclass and any alphabetic part. Do not print parentheses around alphabetic character(s) in a subclass.
 - class number not repeated on same line.** Do not repeat the class number when there is more than one subclass in the same class. However, when the same class breaks to another line, the class is repeated at the beginning of the next line, preceding the first subclass entry in that line.
 - comma.** Print a comma to separate two subclass entries in same class.
 - semicolon.** Print a semicolon before beginning another U.S. class or before beginning an IPC code.
 - en-dash.** Print an en-dash in a subclass range.
 - order.** Print the entries in the order of the appearance.
 - limited search notation.** Such a notation is to follow the subclass and is to be enclosed in parentheses.
 - mechanized search.** Print the name or numerical designation of the mechanized search system, followed by the phrase MS File.
- Additional printing instructions for search data's IPC codes:
 - semicolon.** Print semicolon to separate IPC codes.
 - internal space.** Print a space between the second uppercase alpha and the remainder of the IPC code.
 - internal diagonal.** Print a diagonal between the "one to three numerics" and the "two or more numerics" in an IPC code.
 - no internal line break.** Do not break an IPC code to overflow to a second line.

E X A M P L E
of composed field of search

[58] **Field of Search**..... 363/21, 67, 70, 97,
 363/79 A, 80 R, 19 BS; 364/485-500

18. References Cited

Data Source

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see codes 892 (Form PTO-892) and 1449 (examiner-marked Information Disclosure Statement).

In IFW applications the documents coded 892 will be the sources for the references cited by examiners.

In IFW applications the documents coded 1449 will be the sources for the references cited by applicants and others.

Note that documents coded IDS are incoming (blank) Information Disclosure Statements that should not be used as data sources.

* * *

There are two sources for capturing reference citations:

- **Form PTO-892**

This form contains references cited by the examiner. All references cited by the examiner are captured.

- **Information Disclosure Statement (IDS)**

This form contains references cited by the applicant (or, in some instances, by a third party). A reference cited on an IDS is captured only if the examiner initials the reference. Applicants may use numbered IDS forms, Form PTO-1449, Form PTO/SB/08A, and Form PTO/SB/08B, as well as “equivalent” information disclosure statements (described below under **Pre-Capture Verification**). The IDS is also known as an “information disclosure citation.”

Three categories of references are shown on Forms PTO-892 and IDS forms:

U.S. Patent Documents. These include U.S. patents of all types (utilities, designs, plants, reissues) as well as statutory invention registrations and patent application publications (pre-grant publications). The following information is captured for each U.S. patent document citation:

- document number
- document kind code (below see **ST.16 kind codes in U.S. and foreign reference citations**)
- indication as to whether citation is by examiner (asterisk) or other (no asterisk)
- month and year of issue or publication
- inventor's surname (plus "et al." if there are multiple inventors)
- U.S. class/subclass (if provided)

Foreign Patent Documents. These include patents and patent applications. The following information is captured for each foreign patent document citation:

- two-letter code of country (or international organization or treaty)
- document number
- document kind code (below see **ST.16 kind codes in U.S. and foreign reference citations**)
- indication as to whether citation is by examiner (asterisk) or other (no asterisk)
- month and year of document
- U.S class/subclass (if provided) or IPC code (if provided)

Other Publications. These include books, trade or scientific journals, and other publications. The following information is captured:

- title (if provided)
- author (if provided)
- date of publication (if provided)
- relevant pages (if provided)
- indication as to whether citation is by examiner (asterisk) or other (no asterisk)

Pre-Capture Verification

general verification/capture guidelines

See 37 CFR 1.97 (**Filing of information disclosure statement**) and 37 CFR 1.107 (**Citation of references**). See the following sections in the MPEP:

<u>Subject</u>	<u>MPEP</u>
information disclosure statement	609
reference citations	707.05–707.05(g)
U.S. patent documents	901.04
foreign patent documents	901.05–901.05(a)
at-allowance processing; printing of references on patent	1302.12

Forms PTO-892 and IDS papers are to be maintained in the inside center of the file wrapper. The publication database contractor must search the file wrapper's contents to make sure that all Forms PTO-892 and IDS papers are located in the inside center section of the file wrapper. Forms PTO-892 and IDS papers must be moved if they are in an incorrect location.

There must be at least one PTO-892 or IDS. There must be at least one list of references in the file wrapper.

Capture a reference citation from an IDS only if the examiner has initialed that reference citation. Do not capture any reference citation from an IDS if the examiner has lined through that reference citation:

- When the examiner has signed and dated an IDS, accept as examiner initials whatever written marks appear in the individual EXAMINER INITIAL box or appear to encompass more than one EXAMINER INITIAL box.
- Capture from an IDS only those references that have been initialed by the examiner. If a reference has not been initialed, do not capture it, even if the reference has not been lined through.
- When the examiner has initialed a reference on the IDS and has also lined through that same reference, the data base contractor will not capture the reference.

When there are no class/subclass boxes on the IDS. It is acceptable when the layout of an IDS does not include class/subclass boxes. The absence of class/subclass boxes from an IDS should not be the subject of a “printer waiting” query. For example, the data base contractor should not ask an examiner to add class/subclass boxes to an IDS. When the examiner initials a reference on an IDS whose format does not include boxes for class/subclass, the publication database contractor will capture the reference, but no classification will be captured.

Classification data is optional in a U.S. or foreign reference citation. Follow these guidelines:

- No classification is to be captured if the examiner has lined through the citation's class/subclass boxes.
- No classification is to be captured if the citation's class/subclass boxes are blank.
- No classification is to be captured if the citation's class/subclass boxes are incomplete (for example, there's a class but no subclass).
- No classification is to be captured if the Form PTO-892 or -1449 is formatted so that it has no class/subclass boxes.
- No classification is to be captured if an IPC code appears in the class/subclass boxes of a U.S. citation.
- If multiple classifications appear in a reference's class/subclass boxes, capture the first classification.

Capture the examiner's indication that a classification is a cross-reference. If the examiner writes X or XR after a subclass, he/she is indicating an official cross-reference. If the examiner writes UX or UXR after the subclass, he/she is indicating an unofficial cross-reference. These are to be captured as part of the subclass, although the R should be dropped whenever it is present—that is, XR should be captured as X and UXR should be captured as UX.

Do not capture duplicate references. If duplicate references are identical except for class and subclass, the data base contractor is to follow these guidelines:

- If the duplicates are on two Forms PTO-892, capture the class and subclass on the form that was completed on the more recent date.
- If the duplicates are on two IDS papers, capture the class and subclass on the form that was completed on the more recent date.
- If one duplicate is on Form PTO-892 and the other is on an IDS, capture the class and subclass on Form PTO-892. (Since the PTO-892 is completed by the examiner, who has access to the latest classifications, it is presumed that the class and subclass on the PTO-892 is more current than the class and subclass on the IDS.)

Do not capture days of the month. Only the month and year of a document date is to be captured. (In citations of very old documents, sometimes only the year is available, which means that no month is captured.)

Do not capture given names in U.S. citations; capture surnames only. Follow these guidelines:

- Only the surname of the sole or first-named inventor is to be captured. If a first or middle name or initial is given on the Form PTO-892 or IDS, do not capture it.
- If there are multiple inventors, capture the first-named inventor's surname plus "et al."
- Elements like "Jr." or "Sr." or "III" are to be captured as part of the surname.
- Do not capture Roman or Arabic numerals when they are used to differentiate the same inventor's multiple citations on the same Form PTO-892 or IDS.
- If the word "deceased" is given as part of the inventor's surname, do not capture "deceased."

Do not capture filing dates. In the U.S. and foreign sections of a Form PTO-892 or IDS, the right-most column usually has the heading FILING DATE IF APPROPRIATE. Do not capture any filing dates that may appear in this column.

In "OTHER PUBLICATIONS" data, certain types of information are not to be captured. As a general rule, do not capture from a Form PTO-892 or IDS any information relating to the physical location of a referenced "other publication." More specifically, do not capture the following:

- U.S. class/subclass
- IPC code
- PTO library information
- information beginning with such phrases as "Copy in" or "Found in" or "Received"

"equivalent" IDS

- **attributes**

See MPEP 609 **Information Disclosure Statement**, particularly *D. Information Printed on Patent*. The applicant may list citation(s) on a "separate sheet" that is not a numbered IDS form, that is, not a Form PTO-1449 or Form PTO/SB/08A or Form PTO/SB/08B. This "separate sheet" is "equivalent to" a numbered IDS form whenever it "lends itself to easy capture of the necessary information by the Office printing contractor." An "equivalent" IDS should follow these guidelines:

- (a) It should be a "separate sheet."
- (b) It should clearly identify itself as an information disclosure statement.

- (c) It should start each citation on a new line.
- (d) It should show the citations “at least double-spaced from each other.”
- (e) It should show the citations in a “uniform ... format.”
- (f) It should provide a column for the examiner’s initials.

As indicated in MPEP 1302.12 **Listing of References**, when the application is being prepared for allowance it is the responsibility of the USPTO “technical support staff” to make sure that “All lists of references are maintained in the center section of the file wrapper.”

▪ **instructions for the publication database contractor [“Office printing contractor”]:**

- (i) Using guidelines (a) through (f) above, the publication database contractor will determine if a given paper is an “equivalent” IDS. It is not necessary that each and every one of the guidelines be followed. Generally, if a paper lists citations individually in some format other than a running paragraph, and if the paper is located in the center section of the file wrapper, the data base contractor should treat the paper as an “equivalent” IDS.
- (ii) If the publication database contractor discovers an “equivalent” IDS elsewhere than in the center section of the file wrapper, the data base contractor will move that “equivalent” IDS to the center section and will process it accordingly.
- (iii) If the publication database contractor encounters a paper that does not comply with guidelines (a) through (f) above, especially if such a paper has not been marked by the examiner and is elsewhere than in the center section of the file wrapper, the data base contractor will not treat such a paper as an “equivalent” IDS. Nor should such a paper be the subject of a “printer waiting” query.

<i>computer-generated Form PTO-892</i>

In the **NON-PATENT DOCUMENTS** section of the computer-generated version of Form PTO-892 (Notice of References Cited), the space for each reference features a box labeled **DOCUMENT (Including Author, Title, Source, and Pertinent Pages)** and a box labeled **DATE**. This is to be compared with the version of Form PTO-892 which features a section labeled **OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)** but no separate box labeled **DATE**. Although the USPTO is planning to revise the computer-generated Form PTO-892 to remove the separate **DATE** box from the **NON-PATENT DOCUMENTS** section, the current presence of that box makes it necessary that the data base contractor be given guidelines for the capture of the references, especially in light of the fact that examiners utilize the separate **DATE** box in various ways:

- ① Sometimes an examiner enters the date in the **DOCUMENT ...** box and repeats the date in the **DATE** box. For example:

DOCUMENT (Including Author, Title, Source and Pertinent Pages)	DATE
Smith et al., "Short Chain Ceramides," Biochemical Analysis Journal, Vol. 101, pp. 376–382 (1995)	1995

- ② Sometimes an examiner enters the date in the **DOCUMENT ...** box and enters a different form of the date in the **DATE** box. For example:

DOCUMENT (Including Author, Title, Source and Pertinent Pages)	DATE
Brown et al., "Quantitation of Free Sphingosine in Liver," Journal of Liquid Chromatography, Vol. X, pp. 59–93 (1996)	3/96

- ③ Sometimes an examiner enters the date in the **DATE** box only. For example:

DOCUMENT (Including Author, Title, Source and Pertinent Pages)	DATE
Jones et al., "Imaging Plate Illumination," Natural Science, Vol. 1, pp. 20–41	1/92

When capturing such data for printing the **OTHER PUBLICATIONS** data on the patent front page, the publication database contractor will observe the instructions given below. All current style rules for printing dates in **OTHER PUBLICATIONS** (such as translating all-numeric dates) will be followed.

- ① *Ignore the date in the **DATE** box when it merely duplicates the date in the **DOCUMENT ...** box or when it has the same year as in the **DOCUMENT ...** box but is less complete than the date in the **DOCUMENT ...** box.*

Example ① should be printed as follows:

Smith et al., "Short Chain Ceramides," Biochemical Analysis Journal, Vol. 101, pp. 376–382 (1995).

- ② *When the date in the **DATE** box is more complete than the date in the **DOCUMENT ...** box, and the years are identical (e.g., Mar. 1996 and 1996), print the more complete date (i.e., Mar. 1996), utilizing the reference citation's existing punctuation and format.*

Example ② should be printed as follows:

Brown et al., "Quantitation of Free Sphingosine in Liver," Journal of Liquid Chromatography, Vol. X, pp. 59–93 (Mar. 1996).

- ③ *When there is no date in the **DOCUMENT ...** box and the date from the **DATE** box is being added to the reference citation, print a comma at the end of the reference citation, then add the date.*

Example ③ should be printed as follows:

Jones et al., "Imaging Plate Illumination," Natural Science,
Vol. 1, pp. 20–41, Jan. 1992.

- ④ *When the date in the **DOCUMENT** ... box and the date in the **DATE** box are different (for example, different years), return the file to the PTO via a "printer waiting" query. [See query guidelines below.]*

<i>exemplary foreign citations on Forms PTO-892</i>
--

Some Forms PTO-892 provide exemplary formats in the first line of the FOREIGN PATENT DOCUMENTS section, and thus far all have the following characteristics:

- The entire reference line is shaded gray.
- The column preceding the document number column is labeled "EX".
- The document number cited is: EP - 0123456 - A2.*

See the next page for an illustration of such an exemplary foreign citation. It is possible that other exemplary citations exist, but none have been encountered so far.

* The actual document EP-0123456-A2 could be cited on an IDS or PTO-892. That document was filed in March 1984 and published in October 1984.

instructions for data base contractor: Do not capture for publication any citations that are clearly intended to be examples, i.e., by shading the citation line, and/or using "EX" or the like in the column that is usually occupied by sequential ascending letters (A, B, C...N, O, P, etc.) or letter combinations (AA, AB, AC). Return the file as a "printer waiting" **QUERY** if:

- ☞ *There is doubt as to whether a citation is an actual document or an example only.*

Notice of References Cited	Application/Control No. 09/593,249	Applicant(s)/Patent Under Reexamination AMOS, KIM K.	
	Examiner Ismael Izaguirre	Art Unit 3765	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
X	A	US-202,237-	04-1878	CROSS	112	222
X	B	US-3,356,048-	12-1967	HAAS	112	80.7
X	C	US-3,595,185-	07-1971	SHORROCK	112	80.08
X	D	US-4,931,129-	06-1990	BARTLETT ET AL.	112	80.7XR
X	E	US-us005165352a-	11-1992	INGRAM	112	80.7XR
	F	US- -				
	G	US- -				
	H	US- -				
	I	US- -				
	J	US- -				
	K	US- -				
	L	US- -				
	M	US- -				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification	
	EX	EP-0123456 - A2	01-2000	EPO	Doe, et al	100	100
	N	- -					
	O	- -					
	P	- -					
	Q	- -					
	R	- -					
	S	- -					
	T	- -					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 2

query guidelines for Form PTO-892 and IDS

The file is to be returned to the PTO via a "printer waiting" **QUERY** if:

- *There is no Form PTO-892 or IDS in the file.*
- *In a U.S. reference citation on a Form PTO-892 or IDS, required data—that is, document number, month/year, inventor surname—is missing, incomplete, or illegible.*

NOTE: Often there are copies of the referenced documents in the file wrapper. It may be possible for the data base contractor to use such copies to clarify a document number, date, or inventor surname, and thereby avoid a "printer waiting" query. Also, the publication database contractor may establish non-query channels (such as telephoning designated USPTO personnel and/or the use of the USPTO Web site) to obtain such clarifications.

- *In a foreign reference citation on a Form PTO-892 or IDS, required data—that is, document number, month/year, name of country or international organization—is missing, incomplete, or illegible.*

NOTE: Often there are copies of the referenced documents in the file wrapper. It may be possible for the publication database contractor to use such copies to clarify a document number, date, etc. and thereby avoid a "printer waiting" query.

- *In the **NON-PATENT DOCUMENTS** section of a computer-generated Form PTO-892, the date in the **DOCUMENT ...** box and the date in the **DATE** box are different (for example, different years).*
- *It appears that the examiner has not yet reviewed the IDS.* For example, none of the references have been initialed, none of the references have been lined through, and the form has not been dated and signed.

ST.16 kind codes in U.S. and foreign citations

▪ background

Per WIPO Standard ST.16, patent offices around the world use the following alphabetic characters as kind (that is, kind-of-document) codes:

A B C U Y Z M P S L R T W E F G H I

Sometimes the kind code will be a one-position alphabetic character like A, U, or S. Sometimes a single Arabic numeral (1 through 9 but not 0) will be added to create a

two-character alphanumeric kind code like A2, B1, or C3. These are examples of document numbers with kind codes:

37 44 403 A1	← German document
28 54 781 C2	← German document
2 195 263 A	← United Kingdom document
140292 B3	← Danish document
63-501121 A	← Japanese document
59-1322 U	← Japanese document
6,168,797 B1	← United States document*

* On U.S. documents the following ST.16 kind codes are possible:

- A utility patent (grant) published prior to 2001
- A1 utility patent application publication (pre-grant)
- A2 utility patent application publication (pre-grant) – republication
- A9 utility patent application publication (pre-grant) – corrected publication
- B1, B2, etc. reexamination certificate published prior to 2001
- B1 utility patent (grant) when there was no previous pre-grant publication
- B2 utility patent (grant) when there was a previous pre-grant publication
- C1, C2, etc. reexamination certificate
- E reissue patent
- H statutory invention registration (SIR)
- I1 utility patent published prior to 1836 (“X” precedes the document number)
- I2 reissue patent published prior to 1836 (“RX” precedes the document number)
- I3 additional improvement (“AI” precedes the document number)
- I4 defensive publication (“T” or “HT” precedes the document number)
- I5 trial voluntary protest program (TVPP) document (“B” precedes the document number)
- P plant patent (grant) published prior to 2001
- P1 plant patent application publication (pre-grant)
- P2 plant patent (grant) when there was no previous pre-grant publication
- P3 plant patent (grant) when there was previous pre-grant publication
- P4 plant patent application publication (pre-grant) – republication
- P9 plant patent application publication (pre-grant) – corrected publication
- S design patent

▪ data source for U.S. and FOREIGN reference citations

With respect to (56) **References Cited** data, Forms PTO-892 and Information Disclosure Statements will continue to serve as the data source for document number, document date, inventor surname (U.S.), two-letter country/organization code (foreign), and classification (if present).

The Form PTO-892 or Information Disclosure Statement (IDS) may or may not include the cited document’s kind code. Sometimes the Form PTO-892 or IDS will be designed so that there is a separate box for the kind code. Sometimes the Form PTO-892 or IDS will show the kind code as part of (at the end of) the document number.

As explained below in **data source for kind codes of U.S. citations**, the Form PTO-892 or IDS generally will not be the source for the kind codes of U.S. citations. However, with respect to citations of reexamination certificates with kind codes C1, C2, etc.,

the Form PTO-892 or Information Disclosure Statement will be the source for the kind codes.

As explained below in **data source for kind codes in foreign citations**, Form PTO-892 or IDS will be the source for the kind codes of foreign citations.

▪ **data source for kind codes of U.S. citations**

The publication database contractor will capture and print the kind code for each U.S. citation, even if the Form PTO-892 or Information Disclosure Statement (IDS) shows no kind code for the U.S. citation, except that no kind code will be captured and printed when the data source (the Authority File) shows no kind code for the cited document number (see general rule below).

(i) use of Authority File to identify the kind code

general rule : The publication database contractor generally will ignore any kind code provided for a U.S. citation on a Form PTO-892 or IDS. Instead, the publication database contractor will utilize the Patent Grant Authority File and the Pre-Grant Authority File at www.uspto.gov/web/patents/authority/. The contractor will look up the cited U.S. document number in the appropriate Authority File and will identify the kind code that appears to the right of the document number. In some instances, see section (ii) below, the contractor, prior to the final capture of the kind code, will convert it to its proper ST.16 form. When the cited document is a withdrawn patent or an application that was withdrawn from publication, the Authority File will show no kind code. In that circumstance, no kind code will be captured and printed.

exception to general rule : The Authority File will not be utilized when the Form PTO-892 or IDS cites a reexamination certificate with a kind code of C1, C2, etc. The C1, C2, etc. kind code as shown on the Form PTO-892 or IDS will be captured and printed.

(ii) conversion (in some instances) of Authority File version of kind code to ST.16 version of kind code

The Authority File shows the Yellow Book header record's version of the kind code. There is not always an exact match between the Yellow Book header record's version of the kind code and the ST.16 kind code that may have been printed in the masthead of the cited document and/or that may have been included in the bar code on the cited document or that may otherwise have been assigned to the cited document. The ST.16 kind code of the cited document should appear in the References Cited section. Therefore, in accordance with the following table, the kind code as shown in the Authority File will be converted, when necessary, to its ST.16 form:

**kind code as
shown in
Authority File**

instruction

A1	CONVERT to code A when cited document's date precedes Jan. 2, 2001.
A1	Capture as is when cited document's date is on or after Jan. 2, 2001.
A2	Capture as is.
A9	Capture as is.
B1	Capture as is.
B2	Capture as is.
E1	CONVERT to code E.
H1	CONVERT to code H.
P1	CONVERT to code P when cited document's date precedes Jan. 2, 2001.
P1	Capture as is when cited document's date is on or after Jan. 2, 2001.
P2	Capture as is.
P3	Capture as is.
P4	Capture as is.
P9	Capture as is.
S1	CONVERT to code S.
I1	Capture as is.
I2	Capture as is.
I3	Capture as is.
I4	Capture as is.
I5	Capture as is.

REEXAMINATION CERTIFICATES and their kind codes are not shown in the Authority File. The reexamination certificate and the original patent share the same document number (the patent number minus the kind code).

- If the Form PTO-892 or IDS cites a reexamination certificate with kind code B1, B2, etc. (a certificate published before Jan. 2, 2001), follow the **general rule** (see Page 3 of this bulletin). That is, the original patent's document number and kind code will be captured from the Authority File, although (if necessary) the kind code will be converted in accordance with the above table. The citation's date will be captured as shown on the PTO-892 or IDS.
- If the Form PTO-892 or IDS cites a reexamination certificate with kind code C1, C2, etc. (a certificate published on or after Jan. 2, 2001), follow the **exception to general rule** (see Page 3 of this bulletin). That is, the Authority File will not be utilized, and the C1, C2, etc. kind code (and document number and date) will be captured as shown on the Form PTO-892 or IDS.

▪ **data source for kind codes of FOREIGN citations**

When the Form PTO-892 or Information Disclosure Statement (IDS) does not provide a kind code for a FOREIGN reference citation, no kind code will be captured and printed for that FOREIGN citation.

When the Form PTO-892 or IDS provides a kind code for a FOREIGN reference citation, the publication data base contractor will capture and print the FOREIGN citation's kind code as shown on the Form PTO-892 or IDS, except in the circumstances described below.

- When the Form PTO-892 or IDS provides a kind code for a FOREIGN reference citation but the kind code includes a letter other than A, B, C, E, F, G, H, I, L, M, P, R, S, T, U, W, Y, or Z, no kind code will be captured and printed for that FOREIGN citation.
- When the Form PTO-892 or IDS provides a two-character alphanumeric kind code for a FOREIGN reference citation but the kind code includes a number portion other than the single digit 1, 2, 3, 4, 5, 6, 7, 8, or 9, no kind code will be captured and printed for that FOREIGN citation.
- When the Form PTO-892 or IDS provides an illegible kind code for a FOREIGN reference citation, no kind code will be captured and printed for that FOREIGN citation.

The publication database contractor will initiate no "printer waiting" queries with respect to kind codes in FOREIGN reference citations.

U.S. patent application publications as U.S. reference citations

▪ background

On March 15, 2001, the U.S. began the pre-grant publication of patent applications, that is, the implementation of "certain provisions of the American Inventors Protection Act of 1999" by providing "with certain exceptions, for the publication of pending patent applications (other than design application) at eighteen months from the earliest claimed priority date" [1239 OG 63]. Such U.S. patent application publications may appear as references cited on Forms PTO-892 and Information Disclosure Statements.

▪ data source

Above see the information under **data source for U.S. and FOREIGN reference citations** and **data source for kind codes of U.S. citations**.

citation by examiner versus citation by other

A citation by examiner is defined as any reference captured from Form PTO-892. When the same reference appears both on a Form PTO-892 and on an IDS, that reference will be captured from the Form PTO-892 and will be treated as a citation by examiner. On the front page of the composed patent, each citation by examiner will be marked with an asterisk.

A citation by other is defined as any reference captured from an Information Disclosure Statement (IDS) such as Form PTO-1449, Form PTO/SB/08A, Form PTO/SB/08B, or from an “equivalent” IDS.

See **Composition** below.

electronic IDS forms (converted to paper)

As of May 28, 2002, applicants are able to use the USPTO’s Electronic Filing System (EFS) to file an electronic IDS:

- The electronic IDS is limited to citations of U.S. patents and U.S. patent application publications. That is, foreign patent documents and non-patent literature (OTHER PUBLICATIONS) cannot be cited on the electronic IDS.
- The electronic IDS is limited to fifty (50) citations.
- When an electronic IDS is filed, the applicant does not submit paper copies of the cited documents. When considering the references, the examiner will review electronic or printed copies taken from the USPTO’s electronic databases of patents and patent application publications.

After it has been received in the USPTO, the electronic IDS form will be printed and placed in the application file wrapper. In terms of the publication database contractor’s processing, all IDS forms will be paper.

Hague Agreement Code “WO”

As stated in WIPO Standard ST.3, Page 3.3.9, Endnote 5, shown below in part:

The code “WO” is used in relation to the international publication under the Patent Cooperation Treaty (PCT) of international applications filed with any PCT receiving Office, as well as in the publication of international deposits of industrial designs under the Hague Agreement Concerning the International Deposit of Industrial Designs. . . .

Therefore when a Hague Agreement document is listed in the FOREIGN PATENT DOCUMENTS section of (56) **References Cited**, the two-character code will be WO. For example:

foreign reference → WO DM/053 306 * 2/2000 28/3

number of digits in “WO” publication numbers

For international (PCT) applications published by WIPO before July 1, 2002, the WO publication number consists of five digits after the diagonal, as in WO02/01234 and WO02/12345. For international (PCT) applications published by WIPO beginning July 1, 2002, the WO publication number consists of six digits after the diagonal, as in WO02/012345 and WO02/123456.

Beginning on January 1, 2004, there is a change from a two-digit year to a four-digit year in WO publication numbers.

WO2004/123456 ← six-digit serial number as of July 1, 2002
↑
four-digit year as of January 1, 2004

The publication database contractor will observe the following guidelines with respect to the capture of a WO publication number:

- If the WO publication date is on or after January 1, 2004, the WO publication number will be captured so that it contains a **four**-digit year and a **six**-digit serial number.
- If the WO publication date is during the period from July 1, 2002, through December 31, 2003, the WO publication number will be captured so that it contains a **two**-digit year and a **six**-digit serial number.
- If the WO publication date precedes July 1, 2002, the WO publication number will be captured so that it contains a **two**-digit year and a **five**-digit serial number.

Composition

general composition guidelines for “References Cited” section

The INID code for reference citations is (56). Reference citations, under the heading **References Cited**, immediately follows the field of search.

- INID code (56) is printed as follows:
 - 9-point
 - Times New Roman
 - flush left on same line as heading **References Cited**
- The heading **References Cited** is printed as follows:
 - 9-point
 - Times New Roman Bold
 - uppercase and lowercase
 - centered in column on same line as INID code (56)
- The three sub-headings (U.S. PATENT DOCUMENTS, FOREIGN PATENT DOCUMENTS, and OTHER PUBLICATIONS) are printed as follows:
 - 9-point
 - Times New Roman
 - uppercase
 - centered in column
- Each reference citation is printed as follows:
 - 8-point
 - Times New Roman
 - uppercase and lowercase

composition guidelines for U.S. PATENT DOCUMENTS sub-section

- ordering of U.S. citations
 - Separate patent citations and patent application publication citations.
 - Sort next by document date (month and year) in chronological order.
 - Sort last by document number in ascending order.
- column for U.S. document numbers. The column for U.S. document numbers will be the leftmost column under the heading U.S. PATENT DOCUMENTS.

- right-justified
- formats (In order to accommodate the publication database contractor's validation procedures, Authority File formats are included below.)

	<u>Authority File format</u>		<u>format for printing</u>	
<u>utility patent</u>	<i>US + 8 digits</i>	US06111111	6,111,111	
<u>design patent</u>	<i>USD + 7 digits</i>	USD0266921	D266,921	
<u>plant patent</u>	<i>USPP + 6 digits</i>	USPP054321	PP54,321	
<u>reissue utility pat.</u>	<i>USRE + 6 digits</i>	USRE037346	RE37,346	
<u>reissue design pat.</u>	<i>USRD + 6 digits</i>	USRD039444	RE39,444	
<u>SIR</u>	<i>USH + 7 digits</i>	USH0001988	H1988	← no comma
<u>defensive pub.</u>	<i>UST + 7 digits</i>	UST0109201	T109,201	
<u>add. improv. pat.</u>	<i>USAI + 6 digits</i>	USAI000134	AI134	← no comma
<u>X patent</u>	<i>USX + 7 digits</i>	USX0002121	X2121	← no comma
<u>X reissue patent</u>	<i>USRX + 6 digits</i>	USRX001998	RX1998	← no comma
<u>pat. appl. pub.</u>	<i>US + 11 digits</i>	US20010004321	2001/0004321	← no commas

ADDITIONAL INFORMATION ABOUT DOCUMENT NUMBER FORMATS:

- The Yellow Book's description of Item 4 (Document Number) shows prefixes not shown above, such as RP (reissue plant), HD (SIR design), HP (SIR plant) , and B (TVPP document).
- When a reissue patent is cited, whether reissue utility, reissue design, or reissue plant, the printed version of the document number will show prefix RE.
- When a statutory invention registration is cited, whether SIR utility, SIR design, or SIR plant, the printed version of the document number will show prefix H.
- All patent application publication document numbers, no matter which kind code (A1, P1, etc.) is used, are formatted as shown above. See Page 6 of this bulletin.
- A trial voluntary protest program (TVPP) document number consists of the letter B plus six digits (the application number). For example, B222,222. According to the Yellow Book description of Item 4, 1,836 TVPP documents issued between Jan. 28, 1975 and April 20, 1976.
- For information about reexamination certificate document numbers, see Pages 3 and 4 of this bulletin.

■ column for kind codes. Kind codes for U.S. document numbers will appear in a column to the right of the document-number column and to the left of the asterisk column. The kind code column will be left-justified. The kind code must be either one character in length (uppercase alpha) or two characters in length (uppercase alpha, Arabic numeral).

■ column for asterisks. The asterisk column will be printed to the right of the kind-code column. Each citation-by-examiner will be indicated by an asterisk printed in 8- on 9-point Times New Roman.

- column for document dates. The date column will appear to the right of the asterisk column. The dates (numeric month plus four-digit year or, when necessary, the word “of” plus the four-digit year) will be right-justified.
- column for inventors’ names. The inventor-name column will be printed to the right of the date column. When no classification is being printed for a U.S. reference citation, the inventor’s name will be printed so that no period follows the name. If the abbreviation *et al.* follows the inventor’s name, a period will be printed at the end of the abbreviation.
- column for classifications. The classification, when present, will be printed flush right and will be connected to the inventor’s name by leader dots. When there is no classification, no leader dots will follow the inventor’s name.

NOTE: With respect to U.S. citations, when the DOCUMENT NUMBER box on the Form PTO-892 or IDS also includes the code US and/or the kind code, the document number and the kind code will be captured and printed in their respective columns but the code US will not be captured. Kind codes for U.S. citations will be captured as shown above under **data source for kind codes of U.S. citations**.

composition guidelines for FOREIGN PATENT DOCUMENTS sub-section

- ordering of foreign citations. Foreign citations will be shown in alphabetical order by two-letter country (or international organization) code. If a two-letter code appears more than once in the list of citations, that code’s citations will be shown in chronological order. If multiple citations have the same two-letter code and the same date (month and year), then those citations will be shown in ascending order by document number.
- column for two-letter country/organization codes. The column for two-letter codes will be the first (leftmost) column under FOREIGN PATENT DOCUMENTS. Each two-letter code will be printed as uppercase alphas. The two-letter code will not be enclosed by parentheses.
- column for foreign document numbers. The column for foreign document numbers will be printed to the right of the country-code column. The foreign document numbers in the column will be right-justified.

NOTE: When (on a Form PTO-892 or IDS) a character such as the following is present between a foreign document number and its kind code, the character will not be captured and will not be printed:

-	[hyphen]	/	[slash]
.	[period]		[space]

- column for kind codes. When present, kind codes for foreign document numbers will appear in a column to the right of the foreign-document-number column and

to the left of the asterisk column. The kind-code column will be left-justified. When present, a kind code must be either one character in length (uppercase alpha) or two characters in length (uppercase alpha, Arabic numeral).

- column for asterisks. The asterisk column will be printed to the right of the kind-code column. Each citation-by-examiner will be indicated by an asterisk printed in 8- on 9-point Times New Roman.
- column for document dates. The date column will appear to the right of the asterisk column. The dates (numeric month plus four-digit year or, when necessary, the word “of” plus the four-digit year) will be right-justified.
- column for classifications. The classification, when present, will be printed flush right. Leader dots will be used only when there is a classification.

NOTE: With respect to foreign citations, when the DOCUMENT NUMBER box on the Form PTO-892 or IDS also includes the two-letter code and/or the kind code, the three elements, two-letter code, document number, and kind code, will be captured and printed in their respective columns. Kind codes for foreign citations will be captured as shown above under **data source for kind codes in foreign citations**.

<i>composition guidelines for OTHER PUBLICATIONS sub-section</i>

- each citation should begin on new line
 - flush left
 - period at end
 - left-justify an carryover line(s)
- months to be abbreviated as follows:

Jan.	Feb.	Mar.	Apr.	May	Jun.
Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
- italicize titles that are italicized in source or underscored in source
- if U.S. (unpublished) application citations appear, follow these examples:

U.S. Appl. No. 08/000,000, Jones et al., filed Aug. 20, 1996.
U.S. Ser. No. 654,321, Smith, filed Mar. 3, 1993.
- For a citation by examiner shown under the sub-heading OTHER PUBLICATIONS, the asterisk will be printed at the end of the citation, immediately after the period.

composition guidelines for last line of "References Cited"

As the last line of the (56) **References Cited** section and spaced apart by a blank line from the last reference in that section, the phrase * cited by examiner will be printed flush left in 9- on 10-point Times New Roman. The phrase * cited by examiner will be printed once.

OTHER PUBLICATIONS

Caine, "Pin Retainers Hold Their Own," *Journal of the American Pin Retainers Association*, Jan. 2002, Page 32.

* cited by examiner

If there is a multi-sheet front page and asterisk(s) appear under (56) **References Cited** on any of the sheets, the phrase * cited by examiner will be printed as the last line of the last column of the last sheet.

US 0,000,000 B1

Page 2

OTHER PUBLICATIONS

Arthur B. Hayman et al., Effect of static pressure on acoustic transmittance of albugines microbubble swamp suspensions, *Swamp Journal*, Dec. 15, 1991, pp. 2202-2289.*

Carlton Davis III, Survey of Thermal, Radiation and Viscous Damping of Pulsating Air Bubbles in Swamp Water, *Swamps Today*, Jan. 12, 1969, pp. 1554-15581.

Frederick X. Mueller, Ulstrasonic detection of resonant cavitation bubbles in a swamp flow tube by their second-harmonic emissions, *Swamp Science*, Apr. 15, 1980, pp. 222-229.*

Ronald Y. Knight et al., Swamp bubble detection and sizing with a double frequency Doppler system,

Proceedings of the Swamps and Bogs Research Council, Vol. 33, pp. 120-168.*

Vern V. Oldton et al., Swamp bubble size measurements using the nonlinear mixing of the two frequencies, *Swampwater Technology Journal*, Jan. 13, 1958, pp. 1322-1354.

Charmayne Guignon, *Swamp Bubble Sizing with High Spatial Resolution*, Oct. 1991, Chapter 4.

Patrick Hungerford et al., A non-invasive, in vivo, swamp bubble sizing instrument, *Swamp Scientist's Journal*, Jul. 1999, pp. 48-76.

* cited by examiner

For either a single-sheet front page or a multi-sheet front page, if there are no citations by examiner at all, that is, there are no asterisks anywhere in the patent's (56) **References Cited** information, the phrase * cited by examiner will be not be printed.

multi-sheet front page to accommodate overflow of reference citations

It may happen that a patent contains so much data under **References Cited** that a multi-sheet front page is necessary.

first sheet of multi-sheet front page. As much of the data as possible will be shown on the first sheet of the multi-sheet front page. When the limit is reached, the parenthetical phrase (Continued) in 9-point Times New Roman will be centered in the last line of the section.

OTHER PUBLICATIONS

Delbert M. Packer, Farnleigh Y. Parker, Valiant L. Porquer, Fluid pressure measurement using swamp bubbles insonified by two frequencies, *Swamp Sonics*, Vol. XX, Nov. 1982, pp. 444-448.

(Continued)

second (or succeeding) sheet of multi-sheet front page. Each additional sheet of the multi-sheet front page will be shown as follows (see above under **composition guidelines for last line of "References Cited"**):

- The patent number, including the code **US** and the kind code, will be centered in the top line of the page heading, in 12-point Times New Roman Bold.
- The sheet number, consisting of the word **Page** and the Arabic numeral, both in 9-point Times New Roman, will be centered in the second line of the page heading.
- The page heading will be separated from the rest of the page by a horizontal line extending from the left margin to the right margin.
- The additional data will be shown in columns, with the same indentations that were used on the first sheet of the multi-sheet front page. The section heading **References Cited** in 9-point Times New Roman Bold will be shown in the first line of the first column of each second (or succeeding) sheet.
- If the second and succeeding sheets include both a **Related U.S. Application Data** overflow and a **References Cited** overflow, then the **Related U.S. Application Data** overflow will precede the **References Cited** overflow.

E X A M P L E

of composed reference citations

(56)

References Cited

U.S. PATENT DOCUMENTS

1,478,733	A	*	7/1923	Pitts	
1,478,734	A	*	7/1923	Jones	
1,923,715	A		8/1933	Ferlinger	
5,289,757	A	*	3/1994	Berlinger	403/155
6,999,999	B1	*	12/2002	Thames et al.	
RE99,999	E		3/2004	Hardy	403/155
9,999,999	B1		3/2004	Smith	403/155
2003/0000333	A1		2/2003	Merriam	403/155
2003/0012121	A1	*	9/2003	Webster	403/155

FOREIGN PATENT DOCUMENTS

DE			43 14 891	A1	11/1993
DE			999 99 991	*	11/2002
HU			8888888	B	* 11/2003
					403/155

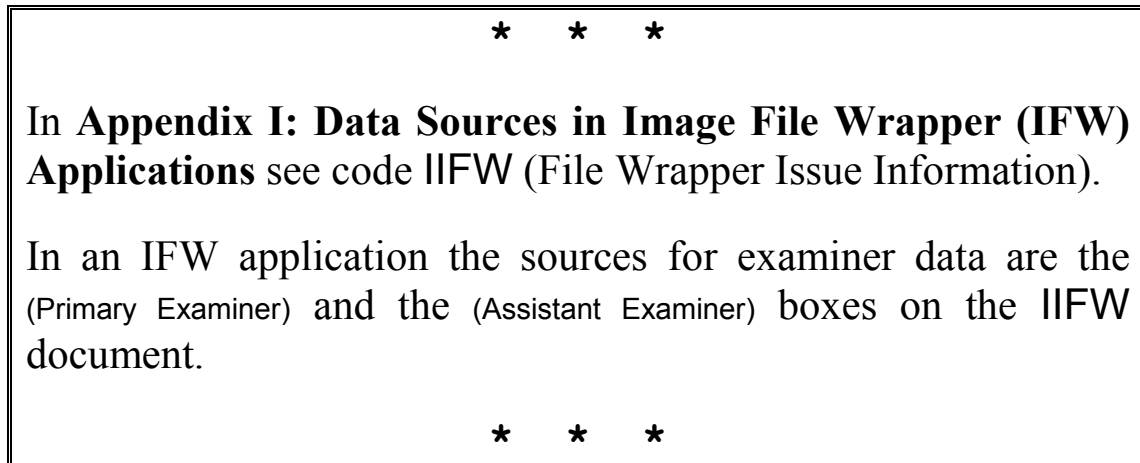
OTHER PUBLICATIONS

Caine, "Pin Retainers Hold Their Own," *Journal of the American Pin Retainers Association*, Jan. 2002, Page 32.

* cited by examiner

19. Examiner Data

Data Source



The primary examiner's name and the assistant examiner's name (the latter may or may not be present) are shown in the bottom center area of the face of the file wrapper, where there is a box labeled **Primary Examiner** and a box labeled **Assistant Examiner**. The primary examiner's name is captured in every case. If an assistant examiner's name appears on the file wrapper, it too is captured.

Pre-Capture Verification

None.

Composition

The primary examiner data follows the reference citations. If assistant examiner data is present, it follows the primary examiner data. No INID code is printed with the primary examiner data or with the assistant examiner data.

- The side-heading *Primary Examiner*— (including the em-dash) is printed as follows:
 - 9-point
 - italics
 - uppercase and lowercase
 - flush left
 - em-dash separates side-heading from primary examiner's name

- The primary examiner's name is printed as follows:
 - 9-point
 - Times New Roman
 - uppercase and lowercase
 - Print the name exactly as it appears on the face of the file wrapper.

- If present, the side-heading *Assistant Examiner*— (including the em-dash) is printed as follows:
 - 9-point
 - italics
 - uppercase and lowercase
 - flush left
 - em-dash separates side-heading from assistant examiner's name

- If present, the assistant examiner's name (if present) is printed as follows:
 - 9-point
 - Times New Roman
 - uppercase and lowercase
 - Print the name exactly as it appears on the face of the file wrapper.

E X A M P L E
of composed examiner data

Primary Examiner—Mary Jane Smith
Assistant Examiner—John T. Jones

20. Attorney/Agent/Firm Data

Data Source

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see code IFEE (Form PTOL-85B, Issue Fee Transmittal).

In an IFW application the source for attorney/agent/firm data is Box 2 of the IFEE document.

* * *

The sole source for the capture of attorney/agent/firm data is Form PTOL-85, PART B – FEE(S) TRANSMITTAL, on which form the following box appears:

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

Therefore the applicant may

- enter no name(s)
- enter the name of one individual
- enter the names of two individuals
- enter the names of three individuals
- enter the name of a firm
- enter the name of a firm and the name of one individual
- enter the name of a firm and the names of two individuals

The inventor may be prosecuting his/her application *pro se* (that is, without an attorney or agent) and for that reason he/she will leave the above-described box blank. However, the box may be blank even when the inventor is represented by an attorney or agent. When the box is blank, no attorney/agent/firm data is captured.

Pre-Capture Verification

See MPEP 1309, under the heading PRINTING NAMES OF PRACTITIONERS AND FIRM ON PATENTS.

no verification. Since the previously described box on Form PTOL-85B is the sole source for printing attorney/agent/firm data, no verification is necessary.

no "printer waiting" query. Do not query if the attorney/agent/firm box is blank, and do not query when there is no Form PTOL-85B (the applicant is not required to use Form PTOL-85B when submitting his/her issue fee).

individual attorney/agent name. The attorney/agent's name is to be captured as it appears in the attorney/agent/firm box on Form PTOL-85B. No part of the name will be abbreviated unless it is also abbreviated on Form PTOL-85B.

firm name. The complete firm name is to be captured as it appears in the attorney/agent/firm box on Form PTOL-85B. When the firm name as entered onto Form PTOL-85B includes a designation such as P.C., P.L.C., P.A., P.S., L.L.P., S.C., Chartered, Ltd., and Associates, Law Firm, etc., that designation will be captured as part of the firm name.

order of names. The attorney/agent/firm names will be captured in the order in which they appear on Form PTOL-85B.

more than three names. When there are more than three names, capture the first three. For example, if there are four attorney names, capture the first three. If there is a firm name followed by three attorney names, capture the firm name and the names of the first two attorneys. If there are three attorney names followed by a firm name, capture the three attorney names.

company names in attorney/agent/firm data. In the attorney/agent/firm box on Form PTOL-85B, if the firm name is given as a company name, capture that company name only if one or two attorney/agent names also appear. If a company name appears alone, do not capture it. For example, if the attorney/agent/firm box on Form PTOL-85B shows this entry:

Mary L. Dough
Ex Wye Zee Chemical Corp.

then the following will be printed on the patent front page:

Attorney, Agent, or Firm—Mary L. Dough;
Ex Wye Zee Chemical Corp.

However, if the attorney/agent/firm box on Form PTOL-85B shows this entry:

then no *Attorney, Agent, or Firm* data will be printed on the patent front page.

In MPEP 1309 the section entitled PRINTING NAMES OF PRACTITIONERS AND FIRM ON PATENTS uses the term “firm” to mean either a law firm or a firm of patent agents. However, since some corporations employ in-house counsel, it sometimes happens that the attorney/agent/firm box on Form PTOL-85B (Issue Fee Transmittal) shows a company name instead of a law firm name or a patent agent firm name. For the purposes of these instructions to the data base contractor, a company name is defined as a name that includes terms like “Corporation,” “Inc.,” “Ltd.,” etc., or as the name of an entity commonly understood to be a company, like AT&T, Ralston Purina, Exxon, etc.

The publication database contractor will make the determination as to whether a name is a company name or is the name of a firm of patent attorneys/agents. The publication database contractor will not initiate a “printer waiting” query for the purpose of asking the USPTO to make that determination. The data base contractor will not be charged with an error if the USPTO should later make a different determination with respect to the name.

Composition

When there is attorney/agent/firm data, it immediately follows the primary examiner data, unless there is also assistant examiner data, in which case the attorney/agent/firm data immediately follows the assistant examiner data. INID code (74) is printed with the attorney/agent/firm data.

■ INID code (74) is printed as follows:

- 9-point
- Times New Roman
- flush left

■ The side-heading *Attorney, Agent, or Firm*— (including the em-dash) is printed as follows:

- 9-point
- italics
- uppercase and lowercase
- flush left
- em-dash separates side-heading from attorney/agent/firm name(s)

■ The attorney/agent/firm name(s) are printed as follows:

- 9-point
- Times New Roman

- uppercase and lowercase
- left-justify any carryover lines
- print semicolon between names

<p style="text-align: center;">E X A M P L E S of composed attorney/agent/firm data</p>
--

one individual attorney/agent:

(74) *Attorney, Agent, or Firm*—Oliver W. Holmes, Jr.

two individual attorneys/agents:

(74) *Attorney, Agent, or Firm*—John Q. Smith; Rebecca P. Rolfe

three individual attorneys/agents:

(74) *Attorney, Agent, or Firm*—John Q. Smith; Rebecca P. Rolfe; Oliver W. Holmes, Jr.

firm:

(74) *Attorney, Agent, or Firm*—Jaggers and Jarndyce, P.C.

firm + one individual attorney/agent:

(74) *Attorney, Agent, or Firm*—Jaggers and Jarndyce, P.C.; John T. Smith

firm + two individual attorneys/agents:

(74) *Attorney, Agent, or Firm*—Jaggers and Jarndyce, P.C.; John T. Smith; Rebecca P. Rolfe

21. *Abstract*

Data Source

* * *
<p>In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see codes ABS (abstract), A... (amendment), and A.PE (preliminary amendment).</p>
* * *

The abstract is also known as the "abstract of the disclosure."

The abstract will appear in the file wrapper as part of the printout of the specification. Sometimes the abstract appears at the beginning of the specification, and sometimes it appears at the end of the specification after the claims.

Although the abstract appears with the specification in the data source, the abstract is captured and printed as front-page (bibliographic) data.

In a 35 U.S.C. 371 application (U.S. national stage under the Patent Cooperation Treaty) an abstract may not be present either before or after the specification. In such a case, the publication database contractor will locate the international publication of the application and will capture the abstract which appears on that international publication's front page. (See **12. National Stage PCT Data**. The front page of the international publication of the application is the same document that serves as the data source for the international publication number and the international publication date.

NOTE: An application filed prior to November 1, 1966, was not required to have an abstract. In the event that the data base contractor should encounter such an application and there is no abstract, the "exemplary claim" (usually claim 1) will be captured in place of an abstract.

Pre-Capture Verification

See 37 CFR 1.72(b).

See the following sections in the MPEP:

<u>Subject</u>	<u>MPEP</u>
location of abstract in application	608.01(a)
abstract language, format, content, examples	608.01(b)
examiner's checking of abstract at allowance	1302.01
examiner's amendment of abstract	1302.04

MPEP 608.01(b) says, "The abstract should be in narrative form and generally limited to a single paragraph within the range of 50 to 150 words. The abstract should not exceed 25 lines of text." (This replaces the former limit of 250 words.) See "printer waiting" **QUERY** guidelines below.

Although the abstract should be a single paragraph, multiple paragraphs are not prohibited, and sometimes an abstract paragraph will be break down into subparagraphs.

Because it must fit on the patent front page, there are limitations with respect to the abstract's length. MPEP 608.01(b) states that an abstract "exceeding 25 lines of text should be checked to see that it does not exceed 150 words in length since the space provided for the abstract on the computer tape by the printer is limited." In some cases the 25-line/150-word standard may be applied with some degree of flexibility. For example, the abstract of a chemical patent may include one or more formulas containing benzene rings. Such formulas sometimes occupy the equivalent of many lines of text, so it may happen that a text-plus-formulas abstract occupies more space than 25 text-only lines would occupy. However, if no representative drawing is to be printed on the front page (and most chemical patents have no drawings), there may be sufficient space for the abstract. Also, in some instances, an examiner may deem that a longer abstract is necessary because the specification itself is very long. MPEP 608.01(b) says the following: "If the abstract cannot be placed on the computer tape because of its excessive length, the application will be returned to the examiner for preparation of a shorter abstract." (See "printer waiting" **QUERY** guidelines below.)

NOTE: Data that begins "The foregoing abstract is not to be taken as limiting this invention ... " is not to be captured as part of the abstract. Such data is to be captured as part of the specification's "summary" section. See **31. Summary**.

The file is to be returned to the USPTO via a "printer waiting" **QUERY** if:

- ***The abstract is excessively lengthy—that is, the abstract is not in accordance with MPEP 608.01(b).*** The publication database contractor is not responsible for strict enforcement of the 150-word limit. This query should take place "If the abstract cannot be placed on the computer tape because of its excessive length", generally, if the abstract exceeds the former limit of 250 words.

- ☞ *There are multiple non-duplicate abstracts.*
- ☞ *In an application that was filed under 35 U.S.C. 371, the abstract is missing from the specification and the international publication's front page cannot be located in the file.*
- ☞ *In an application that was not filed under 35 U.S.C. 371, the abstract is missing from the specification.*

Composition

The abstract is printed on the patent front page as part of the bibliographic data. The abstract immediately follows the attorney/agent/firm data or, if that data is not present, the abstract immediately follows the examiner data. The INID code for the abstract is (57).

■ INID code (57) is printed as follows:

- 9-point
- Times New Roman
- flush left on same line as heading **ABSTRACT**

■ The heading **ABSTRACT** is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase
- centered in column on same line as INID code (57)

■ The text of the abstract is printed as follows:

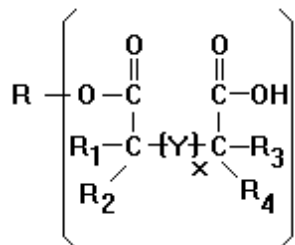
- 9-point
- Times New Roman (except for Figure reference numbers, which are to be printed in Times New Roman Bold)
- uppercase and lowercase
- block paragraph form (multiple paragraphs are to be printed in right-justified block paragraph form and are to be separated by one quad space)

***chemical formula(s) in abstract
when PCT document is serving as data source for abstract***

When no abstract is present as part of the specification in a U.S. national stage of an international (Patent Cooperation Treaty) application, then the front page of the international publication becomes the source for the abstract. When such an abstract includes chemical formula(s), the PCT document typically shows the chemical formula(s) as being outside, that is, above or beside, the abstract's heading and text. [See the first mockup below.] The publication database contractor will capture

the formula(s) as part of the abstract. On the printed front page of the U.S. patent grant, the chemical formula(s) will follow the text of the abstract. [See the second mockup below.]

mockup of abstract in PCT source document



(57) Abstract

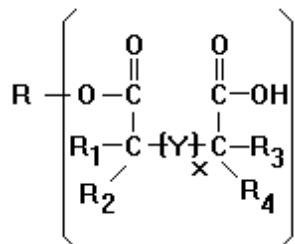
A compound of the formula wherein R is a hydrocarbon of from six to about 60 carbon atoms, which compound is the product of the reaction of a triol of the formula R(OH)₃ with an anhydride; Y is CR₅R₆, O, S, or NCH₃, wherein R₅ and R₆ are the same or different; X is 1 or 2; R₁ and R₂ are the same or different and are selected from the group consisting of hydrogen, phenyl and aliphatic of two to twenty-two carbon atoms, inclusive.

mockup of abstract on U.S. patent front page

(57)

ABSTRACT

A compound of the formula wherein R is a hydrocarbon of from six to about 60 carbon atoms, which compound is the product of the reaction of a triol of the formula R(OH)₃ with an anhydride; Y is CR₅R₆, O, S, or NCH₃, wherein R₅ and R₆ are the same or different; X is 1 or 2; R₁ and R₂ are the same or different and are selected from the group consisting of hydrogen, phenyl and aliphatic of two to twenty-two carbon atoms, inclusive.



E X A M P L E S of composed abstracts

single paragraph:

(57) **ABSTRACT**

A method for converting a retrograde substance from a liquid to a gaseous state, comprising the bringing of the substance to a defined initial state of pressure and volume, and a relaxation to a defined final state. The defined states correspond to regions on the pressure-volume diagram of the substance, the initial state lying to the lower volume side of a boundary defined by the branch of the critical isentrope lying to the greater pressure side of the critical point, and by the stability limit of the substance. The final state lies to the greater volume side of this boundary.

multiple paragraphs:

(57) **ABSTRACT**

A device adapted to travel up, down, or horizontally on a vertical ferrous surface, having means to adhere to said vertical ferrous surface, power means and traction means. This device can be used in either an atmospheric environment or an aquatic environment.

In one form of the invention, a magnetized U-shaped element is employed to effectuate the adherence of the device.

In another form, the power means may be omitted and the device may be adapted solely for descending the vertical ferrous surfaces in that the device is drawn downwardly by gravitational force.

In another form, the climbing device employs suction means for clinging to the vertical ferrous surface.

paragraph with subparagraphs:

(57) **ABSTRACT**

The present invention offers an iron-material shearing machine which nips iron materials consequent to self-adjusting to an optimum condition and which shears all kinds of iron materials. The machine comprises:

a supporting structure attached to a mounting bracket;

the mounting bracket mounted at the end of the arm of a work apparatus;

mechanism to secure the supporting structure to the mounting bracket;

lower and upper mandibles whose engaging parts are notched on their peripheries, and which are mounted on the supporting structure by first and second swivels.

pararaph with Figure reference numbers:

(57) **ABSTRACT**

A heart valve which has an annular valve body **14** defining an orifice **15** and a plurality of struts forming a pair of cages **16a** and **16b** on opposite sides of the orifice. A spherical closure member **17** is captively held within the cages and is moved by blood flow between open and closed positions in check valve fashion. A slight leak or backflow is provided in the closed position by making the orifice slightly larger than the closure member. Blood flow is maximized in the open position of the valve by providing an inwardly convex contour on the orifice-defining surfaces of the body. An annular rib **18** is formed in a channel **19** around the periphery of the valve body to anchor a suture ring **20** used to secure the valve within a heart.

22. *Claim, Drawing Sheet, Color Sheet Totals*

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see code IIFW (File Wrapper Issue Information).

The IIFW document currently shows Total Claims Allowed but does not show drawing sheet totals.

The IIFW document shows the Index of Claims.

* * *

■ **claim total**

In the bottom area of the face of the file wrapper, under **CLAIMS ALLOWED**, the **Total Claims** box appears. This box is the data source for the claim total.

■ **drawing sheet total**

Also in the bottom area of the face of the file wrapper, under **DRAWING**, the **Sheets Drwg.** box appears. This box is the data source for the drawing sheet total. (This is a total of the drawing *sheets*, not the total of actual drawing figures. A drawing sheet may, and often does, contain more than one drawing figure.)

If there are no drawings, the word "NONE" or a zero or a horizontal line must appear in the **Sheets Drwg.** box.

Any category of patent—mechanical, chemical, electrical—may have drawings or may not have drawings. However, mechanical and electrical are likely to have drawings, and chemical patents are likely not to have them.

■ **color sheet total**

This total will be determined by the publication database contractor's count of the color sheets. Color drawing sheets are relatively rare in (non-plant) applications.

NOTE: On the (non-plant) printed patent, all drawings will appear in black and white. See 37 CFR 1.84(a)(2) for information about the applicant's filing of color drawings and the sale of color copies of patents by the PTO. Also, see **31. Brief Description of Drawing(s)**, for information about the "color drawing(s)" paragraph required by § 1.84(a)(2).

Pre-Capture Verification

- ① The publication database contractor will compare the total in the **Total Claims** box with the number of uncanceled claims in the **Final** column of the **INDEX OF CLAIMS**.

The **INDEX OF CLAIMS** appears on the inside left flap of the file wrapper. The **INDEX OF CLAIMS** consists of columns and rows. The two major headings are **Claim** and **Date**.

The **Claim** heading covers the first two columns. The first column is the **Final** column, in which the PTO enters the claim numbers for all of the claims, which are surviving at allowance. The second column is the **Original** column, which consists of pre-printed claim numbers. When the application is received in the examining group, the following markings are made in the **Original** column: a red line is drawn beneath the last claim's number, and the number of each independent claim is circled. (An independent claim is one that makes no reference to any other claim.) If claims are added during the prosecution of the application, a red line is drawn under the number of the last claim being added and a circle is drawn around the number of each independent claim being added. If claims are canceled, a red line is drawn through the number of each canceled claim. At allowance, the **Final** number of a given claim will appear immediately to the left of its **Original** number.

The **Date** heading covers the remaining columns, which are used as needed. Each of the columns has a blank subheading. When the examiner takes action on the claims, the date is written in the leftmost available blank subheading, and under the subheading certain symbols are used to indicate the examiner's decision on each claim. A key to these symbols (✓ means "rejected," = means "allowed," etc.) appears on the **INDEX OF CLAIMS** flap.

- ② The publication database contractor will also count the actual claims in the specification to make sure that the **Total Claims** box shows the correct total and to make sure that the **INDEX OF CLAIMS** indicates the correct total. If the **INDEX OF CLAIMS** and the **Total Claims** box show the same total, yet the count of actual claims yields a different total, a "printer waiting" query is necessary. See verification step ⑦ below and see 35. *Claim(s)*.
- ③ If there is a question about the correct claim total, the publication database contractor should consult the Notice of Allowability (Form PTOL-37), in Part I of which the examiner will have listed (by "original" number) the claims that he/she allowed.
- ④ If necessary, the publication database contractor (using blue pencil or blue ink) will correct the total in the file wrapper's **Total Claims** box.
- ⑤ The publication database contractor will verify the total in the **Sheets Drwg.** box by locating and counting the actual drawing sheets.

⑥ If necessary, the data base contractor (using blue pencil or blue ink) will correct the total in the **Sheets Drwg.** box.

⑦ The file is to be returned to the USPTO via a "printer waiting" **QUERY** if:

➤ *The correct claim total cannot be determined with certainty.*

➤ *The INDEX OF CLAIMS and the Total Claims box show the same claim total, but a count of the specification's actual claims yields a different total.* For example, if the **Final** column of the **INDEX OF CLAIMS** shows claims 1–10, but the specification has claims 1–11, a query is necessary.

NOTE: See 35. *Claim(s)* for information about other queries having to do with discrepancies between the **INDEX OF CLAIMS** and the actual claims.

➤ *The correct drawing sheet total cannot be determined with certainty.*

Composition

The claim total and drawing sheet total are printed immediately after the abstract. There is no INID code.

■ The claim total—a number followed by the word **Claims**—is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase
- centered in column below the abstract and on the same line as, and preceding, the drawing sheet total
- comma follows the word **Claims** to separate claim data from drawing sheet data
- the word **Claim** replaces the word **Claims** when claim total is 1

■ The drawing sheet total—the number of sheets followed by the words **Drawing Sheets**—is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase
- centered in column below the abstract and on the same line as, and following, the claim total
- the word **Sheet** replaces the word **Sheets** when drawing sheet total is 1
- the phrase **No Drawings** is printed when drawing sheet total is zero

■ When the patent file has drawing sheets in color, the number of color sheets is printed as

a parenthetical phrase—for example, **(2 of 6 Drawing Sheet(s) Filed in Color)**—as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase
- centered in column on next line after claim and drawing sheet totals

<p style="text-align: center;">E X A M P L E S of composed claim and drawing sheet totals</p>

10 Claims, 1 Drawing Sheet

1 Claim, 5 Drawing Sheets

22 Claims, No Drawings

15 Claims, 5 Drawing Sheets
(2 of 5 Drawing Sheet(s) Filed in Color)

22A. Microfiche Appendix Information [when microfiche appendix was filed before March 1, 2001***]***

See 29. Reference to Compact Disc (CD).

The former 37 CFR 1.96 set forth the “microfiche appendix” rules for computer programs listings.

37 CFR 1.96 as revised effective November 7, 2000, sets forth the “computer program listing appendix” rules involving the submission of a CD instead of a microfiche.

Computer program listings submitted in compliance with the “microfiche appendix” rules were accepted by the USPTO through Feb. 28, 2001.

Computer program listings filed on or after March 1, 2001, must comply with the “computer program listing appendix” rules.

Data Source

There are two sources for the capture of microfiche appendix information:

- The label on face of file wrapper:

Microfiche
Appendix
Included

2 Microfiche
(100 Pages)

- The statement at beginning of specification, after any cross-reference to related application(s) and after any government interest statement, but before the brief summary):

MICROFICHE APPENDIX INCLUDED

2 Microfiche, 100 Pages.

Pre-Capture Verification

When an applicant includes a computer program listing in the patent application, the form in which the applicant submits that computer program listing is dependent upon two factors—the length of the computer program listing and the date on which the patent application was filed.

If the computer program listing is ten or fewer pages in length, no matter on which date the patent application was filed, the computer program listing may be

- printed as a drawing
- printed as part of the specification

If the computer program listing is eleven or more pages in length and the application was filed before September 23, 1996, the computer program listing may be

- printed as part of the specification
- submitted in the form of a microfiche appendix that is not printed as part of the specification

If the computer program listing is eleven or more pages in length and the application was filed on or after September 23, 1996, the computer program listing must be submitted in the form of a microfiche appendix that is not printed as part of the specification.

When there is a microfiche appendix, the applicant—at the beginning of the specification, after any cross-reference to related applications and/or any government interest statement, but before the brief summary—must state the "total number of microfiche and the total number of frames."

When there is a microfiche appendix, the USPTO will place the microfiche appendix label on the face of the file wrapper and enter the two totals onto the label.

When there is a microfiche appendix, the data base contractor will verify that the number of microfiche and the number of pages (frames) is the same on the file wrapper label and in the statement at the beginning of the specification. The file is to be returned to the USPTO via a "printer waiting" **QUERY** if:

- ☛ *There is a microfiche appendix reference at the beginning of the specification, but there is no microfiche appendix label on the face of the file wrapper.*
- ☛ *There is a microfiche appendix label on the face of the file wrapper, but there is no microfiche appendix reference at the beginning of the specification.*
- ☛ *The microfiche appendix label on the face of the file wrapper and the microfiche appendix reference at the beginning of the specification do not contain the same microfiche totals and/or the same page totals.*

- ☞ *The USPTO has not entered the totals onto the microfiche appendix label on the face of the file wrapper.*

The data base contractor will capture the number of microfiche and the number of pages [frames] for printing on the patent front page and for printing at the beginning of the specification.

Composition

These instructions pertain to the microfiche appendix information that is printed on the patent front page, immediately below the claim and drawing sheet totals. There is no INID code for the microfiche appendix information.

- The front page's microfiche appendix information—the words **Microfiche Appendix Included** on one line, with (__ Microfiche, __ Pages) on the next line—is printed as follows:

- 9-point
- Times New Roman Bold
- uppercase and lowercase
- both lines centered in column immediately below claim and drawing sheet totals

NOTE: For instructions about the printing of the microfiche appendix reference at the beginning of the specification, see the NOTE on the first page of under **29. Reference to Compact Disc.**

E X A M P L E
of composed microfiche appendix information

Microfiche Appendix Included
(2 Microfiche, 100 Pages)

Section IV. REPRESENTATIVE DRAWING

23. *Representative Drawing*

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see codes IIFW (File Wrapper Issue Information) and DRW (drawings).

The IIFW document shows the O.G. Print Fig. box.

* * *

The drawing Figure that is the best general representation of the invention is to be printed on the patent front page. There may be more than one such Figure.

In the **Print Fig.** box on the face of the file wrapper, the examiner will enter the number(s) of the Figure(s) to be printed in the *Official Gazette*. The information in the **Print Fig.** box should also be used to determine which Figure is to be printed on the patent front page as the representative drawing.

Pre-Capture Verification

See **24. DRAWING(S), PRE-CAPTURE VERIFICATION, (3) The Print Fig. Box.**

Composition

The representative drawing is reduced and centered in the bottom portion of the patent front page, below the columned data. The Figure reference numbers (part numbers) are printed, but the Figure number is not printed. There may be more than one representative drawing.

Section V. DRAWING(S)

24. *Drawing(s)*

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see codes DRW (drawings), IIFW (File Wrapper Issue Information), NOA (Notice of Allowance and related papers), and ARTIFACT (artifact sheet).

photographs and color drawings. The publication database contractor will check to see if the artifact identified on the artifact sheet (ARTIFACT) is a photograph or color drawing. In this situation, the USPTO may have exported to the publication database contractor a paper “artifact file wrapper” containing the photographs or color drawings. If the USPTO did not export this paper “artifact file wrapper” containing the photographs or color drawings, the publication database contractor will request that the Office of Patent Publication (director’s office) provide the photographs or color drawings.

* * *

The publication database contractor will process drawings in accordance with procedures set forth elsewhere by the Publishing Division.

The drawings will be captured from the appropriate set of drawing sheets in the file.

Pre-Capture Verification

“Printer waiting” queries pertaining to formal drawings should be routed to the Chief Draftsperson in the Office of Patent Publication. Such queries should not be routed to the Technology Centers.

The publication database contractor will initiate a "printer waiting" **QUERY** if:

- ☞ *The specification refers to drawings and/or the face of the file wrapper indicates drawings, yet there are no formal drawings in the file wrapper.*

On the face of the file wrapper the following boxes will be present under **DRAWINGS**: (1) the **Sheets Drwg.** box, (2) the **Figs. Drwg.** box, and (3) the **Print Fig.** Box, each of which is described below.

Sheets Drwg. Box

The **Sheets Drwg.** box contains the total number of drawing sheets at the time of the examiner's allowance of the patent.

This is a total of the drawing *sheets*, not the total of actual drawing figures. A drawing sheet may, and often does, contain more than one drawing figure.

If there are no drawings, the word "NONE" or a zero must appear in the **Sheets Drwg.** box or a line must be drawn through the box.

See **22. Claim, Drawing Sheet, Color Sheet Totals** for verification instructions for the **Sheets Drwg.** box.

Figs. Drwg. Box

The **Figs. Drwg.** box contains the total number of drawings (figures) at the time of the examiner's allowance of the patent.

- If the application contains no drawings at allowance, one of the following must appear in the **Figs. Drwg.** box: a zero, the word "NONE," or a line drawn through the box.
- If there is a single drawing in the application at allowance, the **Figs. Drwg.** box may contain the word "THE" or the word "SOLE."

The data base contractor will verify that the total in the **Figs. Drwg.** box is a correct count of all the figures according to the labeling on the drawing sheets. If necessary, the data base contractor may correct the total in the **Figs. Drwg.** box.

The publication database contractor will initiate a "printer waiting" **QUERY** if:

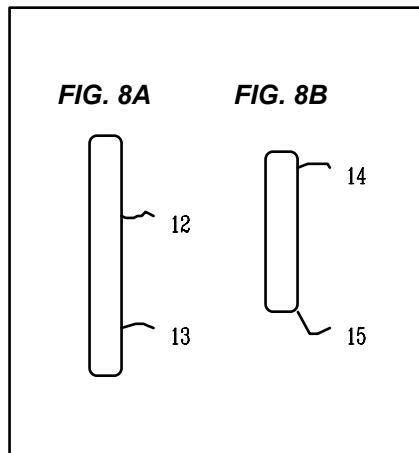
➡ ***The correct number of figures cannot be determined with certainty.***

NOTE: When there are drawings in the patent, the specification (per 37 CFR 1.74) is required to have a self-contained "Brief Description of the Drawings" to be located (per 37 CFR 1.77) between the "Summary of the Invention" and the "Detailed Description of the Invention. The counting of the drawings should yield a three-way match between the total in the **Figs. Drwg.** box, the total of drawings listed in the specification's "Brief Description of the Drawings," and the drawings themselves. See **31. Brief Description of Drawing(s)** for guidelines having to do with verifying the completeness and accuracy of the "Brief Description of the Drawings.

The next two pages contain
guidelines for counting figures.

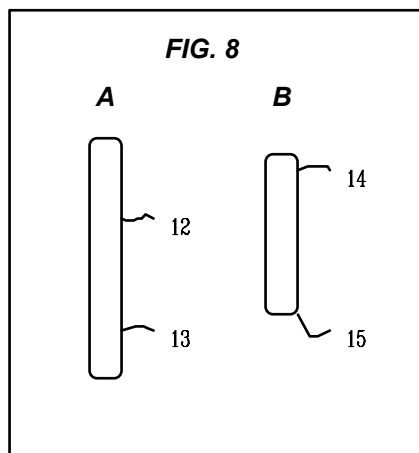
On the drawing sheets, each time the word **FIGURE** or the abbreviation **FIG.** appears as a label, one figure should be counted. However, when a figure continues beyond one sheet and a label such as **FIGURE 6 [continued]** appears, a separate figure should not be counted.)

A view of a large machine or device can be broken into partial views. These partial views may appear on the same drawing sheet or they may extend over several sheets. Partial views that are intended to form one complete view share a common numeral. Depending upon the drawing sheet's labeling scheme, the partial views may be presented as separate figures:



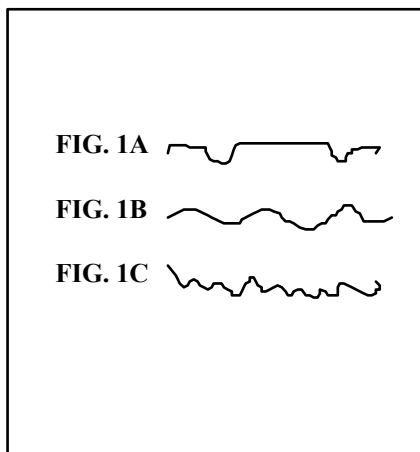
= two figures

or the partial views may be shown to be one figure with subdivisions:



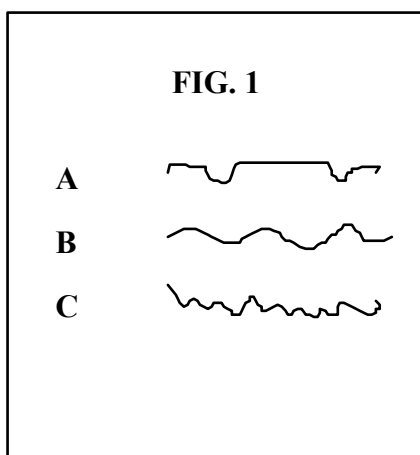
= one figure

When a drawing depicts a group of graphic forms such as waveforms, the items in the group share a common numeral. As with partial views, one labeling scheme may present separate figures:



= three figures

while another labeling scheme presents one figure with subdivisions:



= one figure

Print Fig. Box

The "print figure" is a representative drawing that the examiner has selected for printing in the *Official Gazette*. This is also the representative figure that will be printed on the first page of the patent. (See **23. Representative Drawing.**)

- The print figure (representative drawing) will be identified in the **Print Fig.** box on the face of the file wrapper.
- If there is but one figure in the case, the word "SOLE" or the word "THE" may appear in the **Print Fig.** box in place of the number 1.
- It is possible for there to be no print figure, which fact will be indicated in each of the boxes by the word "NONE," a zero, or a line drawn through the box. A patent with no drawings will, of course, have no print figure. However, it is also possible for a patent with drawings to have no print figure. MPEP 1302.10 says, "If there is no figure illustrative of or helpful in understanding the claimed invention, no figure need be selected."
- It is possible for there to be more than one print figure in a given case. However, the data base contractor will initiate a "printer waiting" query if the informal limit of four print figures is exceeded. MPEP 1302.10 says, "Ordinarily a single figure is selected for printing," but says nothing else with respect to the number of print figures that the examiner may select.
- A print figure cannot be one that is labeled as "prior art."
- A print figure cannot be connected (as by an arrow) to a figure that is itself not a print figure.

The **Print Fig.** box on the face of the file wrapper will be the publication database contractor's only source for the identification of the figure(s) to be printed in the *Official Gazette* and on the front page of the patent.

The publication database contractor will initiate a "printer waiting" **QUERY** if:

- ***The Print Fig. box is blank.***
- ***The Print Fig. box identifies a figure that is labeled as "prior art."***
- ***The Print Fig. box identifies a figure that is connected (as by an arrow) to another figure, but that other figure is not itself identified in the Print Fig. box .***

- ***The Print Fig. box identifies more than four figures.*** This is an informal limit. The purpose of this query is to give the PTO an opportunity to reduce the number of print figures.
- ***The Print Fig. box contains a figure number that does not exist on the drawing sheets.*** For example, the **Print Fig.** box identifies FIG. 9, but there are only eight figures on the drawing sheets.
- ***The Print Fig. box and the drawing sheets do not agree with respect to the "partial view" numbering of figures.*** For example, the **Print Fig.** box identifies FIG. 1, but the drawing sheets show FIG. 1A and FIG. 1B; or the **Print Fig.** box identifies FIG. 1A and FIG. 1B, but the drawing sheets show FIG. 1.

Composition

In the composed patent the drawing sheets follow the front page and precede the specification pages.

The drawings must be legibly reduced (not below 70% plus/minus 2% of the original copy.)

The following heading information will appear from left to right at the top of each drawing sheet in the utility patent:

- | | |
|---|--------------------------|
| ◆ U.S. Patent | 24-point Times New Roman |
| ◆ Aaa. nn, nnnn [issue date] | 18-point Times New Roman |
| ◆ Sheet _ of _
↑
<i>Appears only when there are two or more drawing sheets.</i> | 18-point Times New Roman |
| ◆ US n,nnn,nnn Bn | 24-point Times New Roman |

Section VI. SPECIFICATION

25. Overview

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see codes SPEC (specification), CLM (claims), CLMPTO (claims), A... (amendment), A.PE (preliminary amendment), ARTIFACT (artifact sheet), NOA (Notice of Allowance and related papers, including examiner's amendments).

* * *

The specification printout will be attached by prongs to the inside center section of the file wrapper. There may also be papers containing amendments to the specification. With the exceptions shown below, the publication database contractor will use this printout and any amendments as the direct source(s) for the capture of the specification. The exceptions are these:

- When a nucleotide and/or amino acid Sequence Listing is part of the specification, the data source is the computer readable form (CRF) of the Sequence Listing that is provided to the publication database contractor by the USPTO's Scientific and Technical Information Center Systems Branch. See **34. Sequence Listing**. A Sequence Listing beyond 600 KB in size is not included in the text of the published patent but instead is separately published on the USPTO's sequence website. See under **Lengthy Sequence Listings** in **34. Sequence Listing**.
- When lengthy table(s) are submitted on compact disc (and sometimes by other electronic means), the copy of the compact disc that resides in the allowed application's file wrapper (or an electronic source provided by the Office of Patent Publication) will serve as the data source for those lengthy table(s). See **33. Parts of Application Filed on Compact Disc**. Such tables are not included in the text of the published patent but instead are separately published on the USPTO's _____ website.

See the following:

35 U.S.C. 112	Specification.
37 CFR 1.52	Language, paper, writing, margins.
37 CFR 1.58	Chemical and mathematical formulas and tables.
37 CFR 1.75	Claim(s).

37 CFR 1.77	Arrangement of application elements.
37 CFR 1.115	Amendment.
37 CFR 1.118	Amendment of disclosure.
37 CFR 1.119	Amendment of claims.
37 CFR 1.121	Manner of making amendments.
37 CFR 1.122	Entry and consideration of amendments.
37 CFR 1.124	Amendment of amendments.
37 CFR 1.125	Substitute specification.
37 CFR 1.312	Amendments after allowance.
MPEP 608	Disclosure
MPEP 608.01	Specification
MPEP 608.01(a)	Arrangement of Application
MPEP 608.01(q)	Substitute or Rewritten Specification
MPEP 714.22	Entry of Amendments, Directions for
MPEP 1302.02	Requirement for a Rewritten Specification
MPEP 1302.04	Examiner's Amendments and Changes

Pre-Capture Verification

general guidelines

- **Make no unauthorized changes to specification.** Except as specifically authorized by this manual, no alteration should be made to the specification.
- **Do not rewrite specification.** The specification is a legal document that cannot be "edited" in the conventional sense. Therefore, the data base contractor will make no attempt to rewrite the text in order to improve the grammar or any other aspect of the writing.
- **Use blue for any necessary markings.** If the data base contractor needs to place marks on the specification manuscript, amendment papers, etc., all such marks should be in non-reproducible blue (light blue).
- **Do not obliterate specification.** During the process of data capture, the data base contractor will take care not to obliterate or obscure any portion of the source manuscript.
- **Do not cancel or amend specification.** Only the USPTO has the authority to cancel subject matter in the specification and to enter amendments into the specification. A "printer waiting" query will be necessary whenever the data base contractor recognizes a need for the specification to be canceled or amended.
- **Do not capture duplicate data in specification.** When the applicant's typographical or word-processing error has led to an exact duplication of text, the data base contractor will capture that text only once. For example, when there are two exact copies of page 17 in

the manuscript, the page should not be captured twice, and no "printer waiting" query is necessary. However, a query would be necessary if the two pages 17 were not exactly the same.

- **Re-order elements of specification when necessary.** The data base contractor will capture the specification so that it is printed in the following order:
 - Title
 - Reference to Prior Related Applications (if any)
 - Statement of Government Interest (if any)
 - Reference to Compact Disc (CD) (if any)
 - Summary
 - Brief Description of the Drawings (if any)
 - Detailed Description (including any Computer Program Listing or Sequence Listing)
 - Claims
- **Apply style rules to captured specification.** Style rules for formatting, italics, boldface, etc. are provided in *Appendix E : Style Rules*.
- **further guidelines.** Further pre-capture verification instructions (including guidelines for "printer waiting" queries) will be found in the following sections of this manual:

26. Title

27. Reference to Prior Related Application(s)

28. Government Interest Statement

29. Reference to Compact Disc

30. Summary

31. Brief Description of Drawing(s)

32. Detailed Description

33. Parts of Application Filed on Compact Disc

34. Sequence Listing

35. Claim(s)

optional paragraph numbering

In order to facilitate the new manner of making amendments (described below), 37 CFR 1.52(b)(6) provides for an optional procedure by which the applicant may number the paragraphs of the specification. (The abstract and the claims are not to be included in this paragraph numbering system, nor does this paragraph numbering system apply to reissue applications or reexamination proceedings.)

As stated in the commentary section of the final rulemaking, "This procedure will facilitate the entry of amendments by providing a more uniform method for identifying

paragraphs in the specification to be amended, thus overcoming any differences created by word processor formatting and pagination variations.”

Under this optional system, the paragraphs would be consecutively numbered using four-digit Arabic numerals with leading zeros. Each four-digit number should be enclosed in square brackets, and the numbers and brackets should be shown in boldface. Each paragraph number “should appear to the right of the left margin as the first item in each paragraph, before the first word of the paragraph,” and spaced apart from the first word by a “gap, equivalent to approximately four spaces.” Elements such as listings, equations, tables, chemical formulas, etc., even when such elements extend to the left margin, “are considered part of the numbered paragraph around or above the elements, and should not be independently numbered.” Centered headings and side-headings “are not considered paragraphs and should not be numbered.”

For example:

REFERENCE TO PRIOR RELATED APPLICATION

[0001] This application is a continuation-in-part of my United States patent application number 09/999,999, filed on August 22, 2005, which has now been abandoned.

SUMMARY AND BACKGROUND OF THE INVENTION

[0002] This invention relates to the preservation via tinning of vegetables and fruits. More specifically, the process set forth herein pertains to the tinning of the following:

apricots

pears

peaches

prunes

[0003] The practice of tinning (known in the United States as “canning”) was documented as long ago as . . .

INSTRUCTIONS FOR OFFICE OF PATENT PUBLICATION AND ITS PUBLICATION DATABASE CONTRACTOR:

The paragraph numbers are not to be printed or otherwise shown in the granted patent.

manner of making amendments

*The information shown below is based on (and quotes from) the final rule called **Changes To Implement Electronic Maintenance of Official Patent Application Records**, which was effective as of July 30, 2003.*

■ **markings to show text changes**

With respect to a marked-up version of amended text (that is, a version showing “changes relative to the previous version”), the markings described below are the ones that the applicant should use:

ADDED subject matter is indicated by **UNDERLINING**:

The removal of the dowel is the preliminary step that must be
completed before the door can be opened.

If some or all of the added matter is being underlined for some additional purpose (such as underlining to indicate italics), then such added data should be indicated by **DOUBLE UNDERLINING**:

The closed door is useful for preventing undesired insects such
as *Musca domestica* from entering the room.

when underlining should NOT be used for added data: If the amendment is adding a new paragraph in its entirety, or is adding a new abstract, or is adding a new claim in its entirety, the new paragraph or new abstract or new claim should be submitted in clean form only, without any underlining. Below see under **deletion, replacement, or addition of a paragraph**, and under **CLEAN abstract when changes are MAJOR**, and under **only a CLEAN version of a “new” claim is shown**.

DELETED subject matter is indicated by one of these two methods:

■ **STRIKE-THROUGH**

The dowel may be fashioned from wood, plastic, or metal, ~~and~~
~~may be painted or otherwise colored to suit the taste of the~~
~~operator.~~

■ **DOUBLE BRACKETS**

- **may** be used for “deletion of five or fewer consecutive characters.”

The [[door]] operator may lift either end of the dowel.

- **must** be used “if strike-through cannot be easily perceived”

[[44+4-4=44]] *instead of* ~~44+4-4=44~~

- The following **ALTERNATIVE TO DOUBLE BRACKETS** (“extra portions of text may be included before and after text being deleted, all in strike-through, followed by including and underlining the extra text with the desired change”) may be used:

~~The door operator~~ The operator may lift either end of the
dowel.

when strike-through and double brackets should NOT be used for deleted data:

If the amendment is deleting a paragraph in its entirety, or is canceling a claim in its entirety, the instruction to delete the paragraph or to cancel the claim is sufficient. That is, the amendment should not show the marked-up text of the deleted paragraph or canceled claim. Below see under **deletion, replacement, or addition of a paragraph** and under **no text is shown for “canceled” and “not entered” claims**.

vertical lines in margin: “Recognizing that some word processing software will automatically generate a vertical line in the margin adjacent [to] marked-up changes, the Office will not object to the inclusion of a vertical line in the margin of amendments to the specification or claims.” Such vertical lines will not be captured by the publication database contractor.

■ **amendment to specification**

deletion, replacement, or addition of a paragraph. The amendment paper should include:

- An **instruction** to delete or replace or add paragraph(s) at a clearly identified location of the specification.
- A **marked-up** version (showing underlining and/or strikethrough and/or double brackets) of any **replacement** paragraph.
- A **clean** version (without underlining) of any **added** paragraph.
- For a **deleted** paragraph, **the instruction to delete is sufficient**. “The text of a paragraph to be deleted must not be presented with strike-through or placed within double brackets. The instruction to delete may identify a paragraph by its paragraph number or include a few words from the beginning, and end, of the paragraph, if needed for paragraph identification purposes.”

amendment of the invention title or of a section heading. For amendment purposes a paragraph is defined as including any heading, such as the title of the invention or a section heading like DETAILED DESCRIPTION, that immediately precedes it. Therefore, in order to amend the invention title or a section heading, the amendment procedures to be

followed are those described above under **deletion, replacement, or amendment of a paragraph**.

replacement of a section. If the specification contains section headings (SUMMARY OF THE INVENTION, BRIEF DESCRIPTION OF THE DRAWINGS, etc.), an amendment paper may replace an entire section by including the following:

- An **instruction** to delete the section and replace it. The section should be referred to by its section heading, and its location in the specification should be clearly identified.
- A **marked-up** version (showing underlining and/or strikethrough and/or double brackets) of the **replacement** section.

reinstatement of a previously deleted paragraph or section. “A previously deleted paragraph or section may be reinstated only by a subsequent amendment adding the previously deleted paragraph or section.”

presentation in subsequent amendment document. “Once a paragraph or section is amended in a first amendment document, the paragraph or section shall not be re-presented in a subsequent amendment document unless it is amended again or a substitute specification is provided.”

substitute specification. A substitute specification (excluding the claims) should include:

- An **instruction** to replace the specification with the substitute specification.
- A **marked-up** version (showing underlining and/or strikethrough and/or double brackets) of the **substitute specification**.
- A **clean** version (without any markings) of the **substitute specification**.

■ **amendment to abstract**

amended abstract included with specification amendments. “Amendments to the abstract of the disclosure should be included in that portion of applicant’s amendment which presents amendments to the specification.” The abstract must appear on a separate sheet of the amendment paper.

MARKED-UP abstract when changes are MINOR. When the changes to the abstract are minor (“purely grammatical in nature or a limited number of additions or deletions”), the applicant should submit a marked-up abstract with strike-through and/or underlining.

CLEAN abstract when changes are MAJOR. When “the abstract is being substantially rewritten and the amended abstract bears little or no resemblance to the previously filed version of the abstract, a new (substitute) abstract may be provided in clean form

accompanied by an instruction for the cancellation of the previous version of the abstract. The text of the new abstract must not be underlined.”

■ **amendment with claim listing**

Whenever a claim is changed or deleted, or a new claim is added, the applicant must submit an amendment paper showing a claim listing “to replace all prior versions of the claims.” The **claim listing** will be “a complete listing of all claims ever presented ... in the application.” The claim listing must begin on a separate sheet of the amendment paper, and the sheet(s) that contain the claim listing “shall not contain any other part of the amendment.” **The latest-dated claim listing, together with any changes set forth in an examiner’s amendment attached to Form PTO-37, Notice of Allowability, will be the publication database contractor’s source for capturing the claims.**

claims shown in ascending numerical order, with status identifier for each claim. The claim numbers in the claim listing will follow the application’s original ascending claim-numbering sequence, so that any added claim will continue the sequence. The status of each claim will be shown after each claim number by means of a parenthetical status identifier. Consecutive “canceled” or “not entered” claims [see status table below] “may be aggregated into one statement (e.g. Claims 1 – 5 (canceled)).” The parenthetical status identifiers are defined as follows:

(original)	Pending claim that has never been amended. ¹
(currently amended)	Pending claim that is being amended by the current amendment paper. ¹
(previously presented)	Pending claim that was amended or added by an earlier amendment paper. ¹
(new)	Pending claim being added by the current amendment paper. ¹
(canceled)	Claim that has been deleted from the application. ²
(withdrawn)	Claim that is currently withdrawn but that may later rejoin the application. ³
(withdrawn-currently amended)	A withdrawn claim being amended by the current amendment paper may be identified either as “withdrawn” or as “withdrawn – currently amended.” ³
(not entered)	Claim that was “presented in a previous amendment document but ... has either not been entered or the status of entry is unknown to applicant when a subsequent amendment to the claims is filed.” ⁴

¹ The claim is a pending claim that should be captured by the publication database contractor, except that an examiner’s amendment may amend or cancel the claim.

- ² The claim is not a pending claim and should not be captured by the publication database contractor.
- ³ The claim should be captured by the database contractor only if indicated as being allowed in an examiner's amendment. Otherwise, query.
- ⁴ No claim text provided; therefore no capture by database contractor. If a (not entered) claim is entered and allowed, its claim status will change in an updated amendment claim listing.

NO TEXT is shown for “canceled” and “not entered” claims. If a claim's status is “canceled” or “not entered,” its claim number and status will be shown in the claim listing, but its text will not. “Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as ‘canceled’ will constitute an instruction to cancel the claim.”

COMPLETE TEXT is shown for other than “canceled” and “not entered” claims. The claim listing will show the complete text of each “original” or “currently amended” or “previously presented” or “new” or “withdrawn” or “withdrawn – currently amended” claim.

only a MARKED-UP version of a “currently amended” or “withdrawn – currently amended” claim is shown. Each “currently amended” claim and each “withdrawn – currently amended” claim will be marked (with underlining and/or strike-through and/or double brackets) “to indicate the changes that have been made relative to the immediate prior version of the claims.”

only a CLEAN version of an “original” or “previously presented” or “withdrawn” claim is shown. If an existing claim is not being amended by the current amendment paper, then the text of the claim must be presented in a clean version, i.e., without any markings. Any claim text presented in a clean version “will constitute an assertion that it has not been changed relative to the immediate prior version.”

only a CLEAN version of a “new” claim is shown. Any claim being added by the amendment paper must be shown with the status of “new” and must be submitted in clean form (without any underlining).

reinstatement of previously canceled claim. “A claim which was previously canceled may be reinstated only by adding the claim as a ‘new’ claim with a new claim number.”

claim listing required in U.S. national stage of PCT application. Although status identifiers (“original,” “new,” etc.) are not used during the international stage of a PCT application, when the PCT application reaches the U.S. national stage under 35 U.S.C. 371 the applicant is required to file a claim listing “with status identifiers indicated in a parenthetical expression following the claim number.” The statuses are “based on changes made during the international stage.” For example, a claim that was filed as of the international filing date and that has not been changed would be given the status “original;” a claim that was changed under Article 19 or 34 but is not being changed in the latest amendment would be given the identifier “previously presented;” and a claim that is being changed in the latest amendment would be given the status “currently amended.”

example of claim listing. The final rule’s SUPPLEMENTARY INFORMATION section says that “use of the word ‘claim’ before the claim number is optional.”

Claims 1+2 (canceled)

Claim 3 (original): A mechanized dowel comprising two wooden sections connected by a length-adjustment component.

Claim 4 (previously presented): The mechanized dowel of claim 3 wherein the length-adjustment component contains a motion-activated burglar alarm.

Claim 5 (currently amended): The mechanized dowel of claim 3 wherein the length-adjustment component contains a ~~[[heat]]~~motion-activated musical chime with a range of ~~[[two]]~~ three octaves ~~and with sufficient memory for fifteen minutes of music.~~

Claim 6 (withdrawn): The mechanized dowel of claim 3 wherein the length-adjustment component is programmed to set the timer of a video recorder, radio alarm, or the like.

Claim 7 (withdrawn-currently amended): The mechanized dowel of claim 3 wherein the length-adjustment component contains a ~~computer~~ television monitor.

Claim 8 (original): A mechanized dowel with a handgrip.

Claim 9 (original): The mechanized dowel of claim 8 wherein the handgrip is adjustable for use by simians.

Claim 10 (new): The mechanized dowel of claim 8 wherein the handgrip is adjustable for use by web-footed birds such as those of the family Anatidae.

Claim 11 (not entered)

■ **amendment to drawing**

amendment paper. The amendment paper must explain the changes to the drawing(s). The amendment paper may include a marked-up copy of the amended drawing, which copy will be labeled as “Annotated Marked-up Drawings.”

replacement drawing sheet. The replacement sheet will be labeled as “Replacement Sheet” and will be an attachment to the amendment paper. The replacement sheet will

“include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended.”

■ **exception for examiner’s amendment**

When an examiner’s amendment changes the specification or claims, it is not required to comply with the amendment formats described in this bulletin.

According to the final rule, “an examiner’s amendment may be made by specific instructions to insert or delete subject matter set forth in the examiner’s amendment by identifying the precise point in the specification or the claim(s) where the insertion or deletion is to be made.”

query guidelines

- The file is to be returned to the USPTO via a "printer waiting" **QUERY** if:
 - *The specification is missing from the file.*
 - *The specification appears to be incomplete.* For example, the specification manuscript pages are numbered 1 through 45, but there is no page numbered 15.
 - *The substitute specification has been marked "OK to enter" but the original specification has not been canceled.*
 - *There is a substitute specification but it has not been marked "OK to enter."*
 - *A word, phrase, or term in the specification has been obscured or has otherwise been made illegible.* For example, sometimes words on the top line of a page are obscured by punched holes or, when the text is a photocopy, by images of punched holes.
 - *The specification contains what appears to be two versions of the same data.* That is, the data is duplicated inexactly. For example, there are two pages numbered 10 that appear to duplicate each other word for word, except that one page 10 uses the phrase prefabricated cap frame in the place where the other page 10 uses the phrase prefabricated supporting cap frame.
 - *The USPTO did not enter an amendment.*
 - *The USPTO entered an amendment incorrectly or incompletely.*
 - *The USPTO entered an amendment correctly but the resulting text is obviously illogical, redundant, incomplete, or otherwise in need of correction.* For example, the original specification contains the following sentence:

The motor vehicle features an internal combustion engine

and an automatic transmission.

An amendment instructs that the three words “an automatic transmission” be canceled. However, the amendment is incompletely entered, so that the publication database contractor encounters the following sentence:

The motor vehicle features an internal combustion engine
and.

A query would be necessary so that the USPTO could cancel the word “and” or make whatever other change was necessary.

- ***There is a drawing, graph, or a flow chart in the specification.*** According to 37 CFR 1.58(a) the specification may contain chemical formulas, mathematical formulas, and tables, but "drawings or flow diagrams" are prohibited.
- ***The specification manuscript refers to its own pagination.*** The page numbers of the specification printout have no meaning with respect to the final printed patent, which is printed in numbered columns. Therefore, a “printer waiting” query would be necessary so that the USPTO could amend sentences like the following:

As was stated on Page 14, the by-product was ascorbic acid.

The calculations are detailed on the following page.

- **exception to query requirement**

If the specification has a table of contents that indicates page numbers, there is no need for a “printer waiting” query. The publication database contractor will capture only the items listed in the table of contents, and will not capture page numbers, leader dots, etc. that appear in the table of contents.

requirement for the deposit of biological material

- **examiner’s setting of requirement**

* * *
In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see code NOA (Notice of Allowance and related papers, including the examiner’s setting of a biological deposit requirement).
* * *

In some applications, a deposit of a biological material is required. In such applications, an examiner may accept a written assurance from an applicant that an acceptable deposit will be made on or before the date of payment of the issue fee. See 37 CFR 1.809. At allowance when the examiner sets a requirement for the deposit of biological material, he or she will mark the Notice of Allowability (Form PTO-37) in a manner similar to that shown below and will set forth the requirement more fully in a document attached to the Notice of Allowability.

<input checked="" type="checkbox"/> Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.
--

See 37 CFR 1.801 through 1.809 and see those sections of MPEP Chapter 2400 pertaining to the requirement that the applicant deposit a sample of biological material in an accepted International Depository Authority (IDA). A list of IDAs is shown in MPEP 2405. In MPEP 2406.01 there is a discussion of the requirement that the specification refer to the IDA deposit (name of depository, date of deposit, accession number). At the time of allowance the applicant may not have yet satisfied the IDA requirement, and the depository accession numbers and other IDA information may appear as blanks in the abstract, specification, or claims. For example:

The invention also relates to a nutritional supplement having proteolytic activity and utilizing the *L.plantarum* OM ATCC _____ strain.

A microorganism grown and harvested as described herein, and exemplified by the properties as described herein, is on deposit at the American Type Culture Collection ("ATCC") as of _____, under the reference ATCC No. _____.

1. A biologically pure culture of *Lactobacillus plantarum* OM ATCC No. _____ having proteolytic activity.

▪ applicant's response

The applicant must make the biological deposit within three (3) months after the mail date of the Notice of Allowability. This three-month response period cannot be extended.

Before or with the issue fee payment the applicant must submit a post-allowance amendment under 37 CFR 1.312 which amends the abstract and/or specification and/or claims by supplying the deposit information (name of depository, date of deposit, accession number).

NOTE: If the Rule 312 amendment is received after the payment of the issue fee, the amendment must include a petition under 37 CFR 1.183 to waive the requirement of Rule 312 that the amendment be "filed before or with the payment of the issue fee", that is, it must be accompanied by a fee in accordance with 37 CFR 1.17(i) and a petition which "includes a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented and why justice requires waiver of the rule."

- **“printer waiting” query restrictions**

If the biological deposit requirement has been set by the Notice of Allowability and the abstract and/or specification and/or claims show blanks in place of deposit information (accession number, etc.), **no** “printer waiting” query asking for the missing deposit information should be initiated either **(1)** during Initial Data Capture (IDC) or **(2)** while the applicant has time remaining in the three-month response period for paying the issue fee and submitting the Rule 312 amendment.

Exception: If the abstract and/or specification and/or claims show blanks in place of deposit information and there is no indication on the Notice of Allowability that the examiner has set a biological deposit requirement, a “printer waiting” query will be initiated.

- **file maintenance facility (post-IDC) processing**

when the applicant meets the requirement : If the Rule 312 amendment is timely filed before or with the issue fee payment, the publication processing should proceed.

when the applicant fails to meet the requirement : If the Rule 312 amendment is not timely filed before or with the issue fee payment, the application should be forwarded to the Technology Center 1600 Special Programs Examiner (SprE) located in Crystal Mall 1, 11th Floor, Corridor A, Room 17 (11E17), so that the untimely amendment can be entered if necessary and any abandonment processing can take place.

Composition

The specification—the full written description of the patent, including the claims—constitutes the major portion of the patent. It follows the front page and the drawings. See *Appendix E: Style Rules*.

Elements on Each Page

- patent number [prefix US + patent number + kind code]

- 12-point
- Times New Roman
- centered at top of page

- columns

- Two 67-to-70-line columns are juxtaposed on each page of text.

- column numbers

- 12-point

- Times New Roman Bold
- centered in and above the column
- These are consecutive and are used instead of page numbers.

■ line numbers

- The line numbers run vertically between the two columns.
- 8-point
- Times New Roman
- every fifth line is numbered (5, 10, 15, etc.)

Title of Invention

See **26. Title.**

Text of Specification

■ running text

- 9-point
- Times New Roman and Times New Roman Bold
- uppercase and lowercase
- two columns per sheet

■ complex work units [except sequence data]

- 7-point
- Times New Roman and Times New Roman Bold

NOTE: Sometimes a complex work unit will extend beyond the column width and create a hiatus in the neighboring column. Also, some text (such as Sequence Listings) will appear in a single-column format across the entire page.

■ Sequence Listing and embedded sequence data

- 7-point
- Courier

NOTE: See **34. Sequence Listing.** The Sequence Listing is that which is captured from a “computer readable form” provided by the PTO. Sequences and sequence fragments that are “embedded” in the specification must be captured as complex work units.

■ text superscripts/subscripts

- 5.5-point

- chemical superscripts/subscripts
 - 5-point
- tabular superscripts/subscripts
 - 4.5-point
- main headings
 - These would include headings like SUMMARY OF THE INVENTION, BRIEF DESCRIPTION OF THE DRAWINGS, etc. See *Appendix E : Style Rules*.
 - 9-point
 - Times New Roman
 - uppercase
 - centered in column
- main paragraphs
 - Indent 1 em space.
- end-of-text sentinel
 - To indicate the end of the patent, five asterisks will be centered in the column after the last claim.

26. *Title*

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see codes ADS (application data sheet), SPEC (specification), NOA (Notice of Allowance and related papers, including examiner's amendment to title).

* * *

See 6. *Title*.

Pre-Capture Verification

See 6. *Title*.

Composition

■ The title of the invention will be printed as follows:

- 9-point
- Times New Roman Bold
- uppercase
- centered in Column 1, Line 1

27. *Reference to Prior Related Application(s)*

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see codes TRNA (transmittal of new application), SPEC (specification), A.PE (preliminary amendment), A... (amendment), NOA (Notice of Allowance and related papers).

* * *

See *13B. Related U.S. Application Data*.

35 U.S.C. 120 says that the applicant, in order to get the benefit of the filing date of an prior nonprovisional application, must supply a “specific reference to the earlier filed application,” and the revised 37 CFR 1.78(a)(2) says that this “specific reference” may be in either of two locations:

- application data sheet (ADS)
- the first sentence of the specification following the title

Similarly, 35 U.S.C. 119(e) says that an applicant, in order to get benefit of the filing date of a prior provisional application, must supply “a specific reference to the provisional application,” and the revised 37 CFR 1.78(a)(4) says that this “specific reference” may be in either of two locations:

- application data sheet (ADS)
- the first sentence of the specification following the title

Thus, when the “specific reference” is supplied on an application data sheet (ADS) and there is no “specific reference” in the first sentence of the specification following the title, then no reference to prior related application(s) will be printed at the beginning of the specification.

Otherwise, when a reference to prior related application(s) is present:

- A reference to a prior related application(s) may appear (i) in its entirety at the beginning of the specification printout, or (ii) in its entirety on one or more amendment papers, or

(iii) in part at the beginning of the specification manuscript and in part on one or more amendment papers.

- The "first sentence of the specification following the title" may in actuality be more than one sentence or even more than one paragraph.
- The "first sentence of the specification following the title" may or may not include a heading such as CROSS-REFERENCE TO RELATED APPLICATIONS.
- If any of the references shown below are present, they should be printed as the "first sentence of the specification following the title." More than one type of reference may be present in the same application. Each of these references is more fully described below: (1) continuity reference, (2) reference to prior provisional application(s), (3) cross-reference to other related application(s), (4) "substitute for" reference, and (5) "This is a 371 of" reference.

(1) continuity reference

For example:

This is a division of copending U.S. application No. 09/000,000, filed July 2, 2001, which was a division of U.S. application No. 08/000,000, filed August 1, 2000, now U.S. Patent No. 0,000,000.

or

This application is a continuation of application No. PCT/JP99/00000, filed May 3, 1999, now abandoned.

or

This application is a continuation-in-part of United States application Ser. No. 08/000,000, which was filed as international application Ser. No. PCT/GB99/00000 on 14 January 1999.

(2) reference to prior provisional application(s)

For example:

This application claims the benefit of U.S. provisional application No. 60/000,000, filed June 8, 1999, by Thomas H. Henchard and Eustacia H. Vye, now pending.

or

Priority is claimed from provisional application U.S. Serial No. 60/000,000, Attorney Docket No. VN19-09, filed June 8, 2000, and provisional application U.S. Serial No. 60/000,000, Attorney Docket No. VN19-13, filed June 10, 2000.

(3) cross-reference to other related application(s)

37 CFR 1.78(a)(2) also says that "Cross-references to other related applications may be made when appropriate." Such cross-references do not specify "continuation" or "division" or "continuation-in-part" relationships. Instead, non-specific terms like "related to" are used. For example:

This application is related to U.S. application Serial No. 10/666,666, filed April 18, 2002, abandoned.

When present, a cross-reference to other related application(s) will be the first sentence of the specification.

(4) "substitute for" reference

For example:

This application is a substitute for U.S. Serial No. 09/000,000, filed August 1, 2000, abandoned.

Such a reference is optional. That is, although the file wrapper label (or PALM bibliographic data sheet) may indicate the "substitute for" information, and although that information may be printed at INID (66) on the patent front page, it is not necessary that the "substitute for" information be stated in the first sentence of the specification. However, when a "substitute for" reference is present in the source, it will be printed as the first sentence of the specification. See MPEP 201.09.

(5) "This is a 371 of" reference

For example:

This application is the U.S. national stage under 35 U.S.C. 371 of application No. PCT/JP96/12345 filed April 3, 1998.

Although there is no requirement for such references, some applicants do supply them. (see *12. National Stage PCT Data*). When such a reference is present, it will be printed as the first sentence of the specification.

further instructions about data source:

no CPA reference in first sentence of specification. In a CPA file (one on which the USPTO has placed a blue CPA label), the publication database contractor will make certain that no CPA references appear in the first sentence of the specification. See 13C. Continued Prosecution Application (CPA).

handwritten and/or pre-printed data sources. Sometimes the data source, whether it is the specification printout or an amendment paper, contains status updates ["now abandoned" or "now U.S. Pat. No. 0,000,000"] and other handwritten data. In some

amendment papers, references to prior related applications are presented in a pre-printed form layout with multiple-choice and/or fill-in-the-blanks features. For example:

This application is a

- ☐ continuation
- ☐ continuation-in-part
- ☐ divisional

of application Serial Number _____,

filed _____.

Consequently, in the course of capturing the reference to prior related application(s), the publication database contractor will often have to assemble the data by ignoring extraneous words, symbols, and marks of punctuation.

moving a reference to the “first sentence” location. When the specification source presents the reference to prior related application(s) elsewhere than in the first sentence, the publication database contractor will move that reference to the “first sentence” position.

Pre-Capture Verification

See *13B. Related U.S. Application Data*.

The publication database contractor will impose the following style standards on the reference to prior related application(s).

■ **“filed on” and “now”**

The phrase “filed on” will precede the filing date and the word “now” will introduce information about the status of an application.

Continuation of application No. 09/000,000, filed
on Apr. 5, 2000, now Pat. No. 7,654,321, which is
a continuation of application No. 09/888,888, filed
on Jan. 15, 1999, now abandoned.

When the U.S. parent was the national stage of an international PCT application, the phrase “filed as” will be used in the same manner as in the past. However, the word “on” will be printed before the international filing date:

Continuation of application No. 09/777,777, filed as
application No. PCT/DE98/00000 on Feb. 3, 1998.

■ **docket numbers**

A docket number is the attorney's own file number for an application. If a prior application is referred to by docket number in the specification, that docket number is not to be captured. For example:

source's data → application No. 08/000,000 (Docket # CVH-123)

captured data → application No. 08/000,000

■ extraneous words, symbols, characters

Items not selected in a multiple-choice layout are not to be captured. Characters and symbols such as check-boxes in multiple-choice layouts are not to be captured. For example:

source's data → ☐ continuation ☒ division

captured data → division

■ the word application(s)

When the singular/plural word application(s) appears, capture either application or applications, whichever is correct in the sentence.

■ the word divisional

When the word divisional appears in the source, do not change its spelling, even when the word is being used as a noun (as in This is a divisional of ...).

■ the abbreviation c-i-p

When the abbreviation c-i-p appears in the source in place of the term continuation-in-part, the abbreviation c-i-p should be captured.

■ capitalization

When such terms as Division and Continuation are capitalized, the capitalization should be captured.

■ the word copending

If the text contains a reference to a copending application and if the text goes on to state that the application has been abandoned or that it has matured into a U.S. patent, then the word copending is no longer correct and should not be captured.

source's data → This is a division of copending Ser. No.
now abandoned
08/000,000, filed Jan. 22, 1996 ^ .

captured data → This is a division of Ser. No. 08/000,000, filed Jan. 22, 1996, now abandoned.

■ extraneous commas

Extraneous commas are not to be captured.

source's data → This is a division, of

captured data → This is a division of

■ comma + space

A status (such as "now abandoned" or "now U.S. Pat. No.") is to be captured so that it is preceded by a comma and a space.

source's data → Apr. 1, 1997 now abandoned.

captured data → Apr. 1, 1997, now abandoned.

■ reference to prior provisional application(s)

when status is "pending." If the "first sentence" reference to a prior provisional application states that the provisional application is pending but the provisional application's 12-month pendency will have expired as of the issue date of the patent being printed, the publication database contractor will capture now abandoned in place of pending. Otherwise, the "first sentence" may or may not indicate the status of the prior provisional application.

when specific continuity relationship is given. If the specification's reference to a prior provisional application states that the case in hand is a "continuation" or "division" or "continuation-in-part" of the provisional application, print as is. Although such terms have no legal significance with respect to a domestic priority claim, it is acceptable for them to appear in the specification's domestic priority reference.

Composition

See **25. Overview** and see *Appendix E : Style Rules*.

<p style="text-align: center;">E X A M P L E S of composed references to prior related application(s)</p>
--

This is a continuation-in-part of U.S. Ser. No. 08/999,999, filed on Dec. 31, 1997, which is now U.S. Pat. No. 7,654,321.

1997. Appl. No. 09/000,002 is a divisional of Appl. No. 08/000,000, which was filed on Mar. 23, 1997, now abandoned.

This is a continuation of international application No. PCT/DE98/00000, filed on Feb. 2, 1998.

This application claims benefit under Title 35, United States Code 119(e), of United States provisional application No. 60/000,000, which was filed on Jan. 5, 1999, by Roger H. Chillingworth, now abandoned.

This application is a continuation-in-part of U.S. application Ser. No. 08/111,111, which was filed on Mar. 2, 1998, now abandoned. This application is related to the following abandoned U.S. applications: No. 08/999,999, filed on Dec. 31, 1997; No. 08/888,888, filed on Aug. 29, 1997; and No. 08/777,777, filed on May 1, 1996.

PRIOR RELATED APPLICATIONS

This application is a divisional of U.S. Appl. No. 09/000,001, and U.S. Appl. No. 09/000,002, both filed on Dec. 1, 1998, and both now abandoned. Appl. No. 09/000,001 claimed the benefit of U.S. Provisional Appl. No. 60/000,000, which was filed on Dec. 10,

This application is a substitute for abandoned application No. 08/888,888, filed on Aug. 29, 1997.

This application is filed under 35 U.S.C. 371 as the national stage of application No. PCT/GB97/00000, filed on Jan. 29, 1997.

28. *Government Interest Statement*

Data Source

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see codes SPEC (specification), A.PE (preliminary amendment), A... (amendment), NOA (Notice of Allowance and related papers).

* * *

When a U.S. Government contractor retains U.S. patent rights—according to MPEP 310 [**Government License Rights to Contractor-Owned Inventions Made Under Federally Sponsored Research and Development**—a "Government License Rights' statement" is required "at the beginning of the application and any patents issued thereon."

When such a statement is present, it "should appear as the first paragraph of the specification." However, if there is a "first sentence" reference to prior related application(s), then the government interest statement "should follow immediately as the second paragraph of the specification." That is, the government interest statement should be the next paragraph after any of the following "first sentence" references: a continuing data reference, a domestic priority reference, a cross-reference to related applications, a "substitute for" reference, a "This is a 371" reference.

The government interest statement may or may not have a heading such as
STATEMENT AS TO RIGHTS TO INVENTION MADE UNDER FEDERALLY
SPONSORED RESEARCH AND DEVELOPMENT.

Pre-Capture Verification

A government interest statement's placement will be affected by the presence of a reference to prior related application(s). It may be necessary for the publication database contractor to move the government interest statement so that it gets printed in the correct location.

Composition

See the examples on the next page.

Also, see **25. Overview** and *Appendix E : Style Rules*.

<p style="text-align: center;">E X A M P L E S of composed government interest statements</p>

If there is no reference to prior related application(s), the government interest statement will be printed as the first paragraph of the specification.

■ **Example # 1 --- SOURCE VERSION**

STATEMENT OF GOVERNMENT INTEREST

Licensing for this patent is governed by Contract No.
5555, U.S. Department of Energy.

SUMMARY OF THE INVENTION

The subject invention pertains to ...

■ **Example # 1 --- COMPOSED VERSION**

STATEMENT OF GOVERNMENT
INTEREST

Licensing for this patent is governed by
Contract No. 5555, U.S. Department of Energy.

SUMMARY OF THE INVENTION

The subject invention pertains to ...

If there is a reference to prior related application(s)—that is, (1) continuity reference, (2) reference to prior provisional application(s), (3) cross-reference to other related application(s), (4) “substitute for” reference, (5) “This is a 371 of” reference—the government interest statement will be printed as the paragraph immediately following the reference to prior related application(s).

■ **Example # 2 --- SOURCE VERSION**

The U.S. Government's rights are retained under the terms of Contract No. 123-03 awarded by the U.S. Department of Defense. This is a continuation of U.S. application Ser. No. 09/999,999, filed Oct. 2, 1999, now abandoned.

This present invention relates to ...

■ **Example # 2 --- COMPOSED VERSION**

This is a continuation of U.S. application Ser. No. 09/999,999, filed on Oct. 2, 1999, now abandoned.

The U.S. Government's rights are retained under the terms of Contract No. 123-03 awarded by the U.S. Department of Defense.

This present invention relates to ...

or

■ **Example # 3 --- SOURCE VERSION**

This application is a division of abandoned Ser. No. 09/999,999, filed Dec. 14, 1999, and is related to Ser. No. 09/888,888, filed Oct. 10, 1998, now U.S. Pat. No. 7,777,777.

The U.S. Government retains rights under the terms of Department of Defense Contract ABCD.

The subject matter of this invention is ...

■ **Example # 3 --- COMPOSED VERSION**

This application is a division of abandoned Ser. No. 09/999,999, filed on Dec. 14, 1999, and is related to Ser. No. 09/888,888, filed on Oct. 10, 1998, now U.S. Pat. No. 7,777,777.

The U.S. Government retains rights under the terms of Department of Defense Contract ABCD.

The subject matter of this invention is ...

29. Reference to Compact Disc

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see codes SPEC (specification), A.PE (preliminary amendment), A... (amendment), ARTIFACT (artifact sheet), NOA (Notice of Allowance and related papers).

* * *

See 33. *Parts of Application Filed on Compact Disc*. The specification is required to contain a reference to any CD that was filed by the applicant under 37 CFR 1.52(e). Such a CD may contain a computer program listing (a “computer program listing appendix”) and/or large table(s) and/or a Sequence Listing (in lieu of the required paper copy thereof).

contents of reference to CD. 37 CFR 1.52(e)(5) says that the reference to the CD must be in the form of “a separate paragraph ... identifying each compact disc by the names of the files contained on each of the compact discs, their date of creation and their sizes in bytes.” 37 CFR 1.77(b)(4) says that the reference to the CD shall refer to the computer program listing and/or table and/or Sequence Listing and must specify the “total number of compact discs including duplicates and the files on each compact disc.”

location of reference to CD. 37 CFR 1.77(b)(4) indicates that the reference to the CD should appear after any cross-reference to related applications and any statement of government interest. That is, the reference to the CD should appear at the beginning of the “Summary” section of the specification.

NOTE: See 22A. *Microfiche Appendix Information [***when microfiche appendix was filed before March 1, 2001***]*. The former 37 CFR 1.96 set forth the “microfiche appendix” rules for computer programs listings. 37 CFR 1.96 as revised effective November 7, 2000, sets forth the “computer program listing appendix” rules involving the submission of a CD instead of a microfiche. Computer program listings submitted in compliance with the “microfiche appendix” rules were accepted by the USPTO until March 1, 2001. Computer program listings filed on or after March 1, 2001, must comply with the “computer program listing appendix” rules. If the publication database contractor encounters an allowed application in which the “microfiche appendix” rules are operative (with a microfiche appendix

filed before March 1, 2001), a microfiche appendix reference must appear after any reference to prior related application(s) and after any government interest statement:

MICROFICHE APPENDIX INCLUDED

2 Microfiche, 100 Pages.

Pre-Capture Verification

- The publication database contractor will make sure that the reference to the CD is correctly located after any reference to prior related application(s) and any statement of government interest.
- If the reference to the CD includes a docket number, the docket number will not be captured.
- The publication database contractor will initiate a “printer waiting” **QUERY** in the following situations:
 - *The file wrapper contains a properly labeled CD, yet the specification does not contain the required reference to the CD.*
 - *The reference to the CD is present in the specification but there are blanks in the reference’s text (for example, “created _____, _____ bytes”).*
- Except as described above, the publication database contractor is not required to make certain that the reference to the CD meets the content requirements set forth in 37 CFR 1.52(e)(5) and 1.77(b)(4). That is, except when there are blanks in the reference, the publication database contractor is not required to make certain that the reference contains all of the required information (name, creation date, byte size, disc total, etc.).

Composition

See **25. Overview** and *Appendix E : Style Rules*.

<p style="text-align: center;">E X A M P L E S of composed references to compact discs</p>
--

■ **Example # 1 --- reference to “computer program listing appendix” filed on CD**

COMPUTER PROGRAM
LISTING APPENDIX

The computer program listing appendix contained within file “arabellafermor.text” on compact disc “1 of 1” which has been filed with the United States Patent and Trademark Office in duplicate, is hereby incorporated by reference. This file was created on May 21, 2002, and is 543 KB in size.

■ **Example # 2 --- reference to table(s) filed on CD**

DESCRIPTION OF THE
COMPACT DISC-RECORDABLE (CD-R)

CD-R-1 contains Tables 1 and 2 formatted in tab-delimited ASCII text. The file containing Table 1 is entitled VYE.TXT, created on Aug. 1, 2002, and is 2,222 KB in size. The file containing Table 2 is entitled EVERDENE.TXT, created on Aug. 1, 2002, and is 3,008 KB in size.

CD-R-2 is an exact copy of CD-R-1.

The disclosure of Tables 1 and 2, submitted as an Electronic document on compact disc as described above is to be part of the permanent USPTO record of this patent application and is hereby expressly incorporated by reference.

■ Example # 3 --- reference to Sequence Listing filed on CD

REFERENCE TO COMPACT DISC

In accordance with 37 CFR 1.52(e) and 37 CFR 1.821(c), and hereby incorporated by reference, a compact disc has been filed containing the Sequence Listing formatted in plain ASCII text, entitled TH-0022-1.TXT, created May 15, 2002, with a size of 4,321 KB.

30. Summary

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see codes SPEC (specification), A.PE (preliminary amendment), A... (amendment), NOA (Notice of Allowance and related papers, including examiner's amendments).

* * *

For purposes of data capture, the summary is that portion of the specification manuscript, which follows any reference to prior related applications and/or any government interest statement and which precedes any brief description of the drawings. If there is no brief description of the drawings, the summary will immediately precede the detailed description.

Most commonly, the summary consists of the following types of data:

- **information pertaining to the background of the invention and/or to a description of the prior art.** See MPEP 608.01(c).
- **a brief summary of the invention.** See 37 CFR 1.73 and MPEP 608.01(d).

In the summary there may be no headings at all, or there may be headings such as the following:

FIELD OF THE INVENTION

BACKGROUND OF THE INVENTION

SUMMARY OF THE INVENTION

OBJECT OF THE INVENTION

There may or may not be formulas, equations, or tables in the summary. In very rare cases—such as when another patent in its entirety is incorporated by reference—there may be no summary.

Other types of data may appear in the summary:

- **reference to compact disc (CD).** See *29. Reference to Compact Disc*. When present, this will be printed at the beginning of the summary.
- **data which makes reference to the "foregoing abstract."** Data beginning with such wording may be shown in the source as part of the abstract, but such data is to be captured as part of the summary, not part of the abstract. For example:

The foregoing abstract is not to be taken as limiting this invention.

- **"authorization language" when copyright notice or mask work notice is included in the patent disclosure.** See 37 CFR 1.71(d)–(e) and MPEP 608.01(v). When a copyright notice such as "©1983 John Doe" or a mask work notice such as "*M* John Doe" appears in the specification or in the drawings [see 37 CFR 1.84(s)], the applicant must include the prescribed "authorization language" as set forth in § 1.71(e):

A portion of the disclosure of this patent document contains material which is subject to (copyright or mask work) protection. The (copyright or mask work) owner has no objection to the facsimile reproduction by anyone of the patent document or the patent disclosure, as it appears in the Patent and Trademark Office patent file or records, but otherwise reserves all (copyright or mask work) rights whatsoever.

§ 1.71(d) says the above wording is to appear "at the beginning (preferably as the first paragraph) of the specification." If present, a reference to prior related application(s) or a government interest statement, will precede the summary altogether; and, if present, a reference to compact disc (CD) will appear at the beginning of the summary. Therefore, as long as the these preceding items are in their correction locations, the copyright notice "authorization language" will be captured as part of the summary.

Pre-Capture Verification

order of data. The summary's data will be captured in the order that it appears in the specification printout, except that a reference to compact disc (CD) that is not at the beginning of the summary in the manuscript will be moved to the beginning of the summary.

"printer waiting" queries. See *25. Overview*.

format and style. See *Appendix E : Style Rules*. See special formatting for headings such as the following:

BACKGROUND OF THE INVENTION

1. Field of the Invention
2. Description of the Prior Art

or such as the following:

BACKGROUND

1. Field
2. Prior Art

Composition

See *25. Overview* and *Appendix E : Style Rules*.

31. Brief Description of Drawing(s)

Data Source

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see codes SPEC (specification), A.PE (preliminary amendment), A... (amendment), NOA (Notice of Allowance and related papers, including examiner's amendments).

* * *

If there are drawings in the patent, the brief description of the drawings is to immediately follow the summary and is to immediately precede the detailed description.

See the following:

37 CFR 1.74	Reference to drawings.
37 CFR 1.84	Standards for drawings.
MPEP 608.01(f)	Brief description of drawings

The brief description of the drawings may or may not begin with a heading such as BRIEF DESCRIPTION OF THE DRAWINGS.

There may or may not be an introductory paragraph such as this one:

The drawings are briefly described as follows:

However, per 37 CFR 1.84(a)(2)(iii), if one or more of the drawings is in color, the brief description of the drawings must begin with the following introductory paragraph:

The patent file contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The brief description of the drawings must be self-contained and complete. That is, no extraneous matter or "detailed description" matter should interrupt the brief descriptions, and all of the drawings must be briefly described before the "detailed description" section begins.

See 24. *Drawing(s)* and see 25. *Overview*.

Pre-Capture Verification

The publication database contractor will make sure that the "brief description of the drawings" section includes a brief description of each Figure. See guidelines ①–③ below.

When partial views and/or graphic forms are present in an application, the specification's brief description of the drawings may or may not reflect the actual Figure-number labeling that appears on the drawing sheets. It is not always evident from the brief description of a given drawing whether that drawing is one Figure, one Figure with subdivisions, or a set of Figures sharing a common Arabic numeral. (Under **Pre-Capture Verification** in 24 *Drawing(s)*, see the illustrations of labeling schemes for partial views and graphic forms.) For example, if FIG. 2 is briefly described, there may be an undivided FIG. 2 on the drawing sheets, but it is also possible for the drawing sheet labeling to show FIG. 2A and FIG. 2B (that is, two Figures) or FIG. 2 with parts A and B (that is, one subdivided Figure). Another example: FIGS. 4A–4B are briefly described, which the drawing sheets may label as FIG. 4A and FIG. 4B (two Figures) or as FIG. 4 with parts A and B (one subdivided Figure).

① In a brief description, the publication database contractor will accept the applicant's choice of how to identify subdivided Figures and/or Figures that otherwise share a common Arabic numeral. For example, the brief description may speak of "FIG. 3" with no indication of the existence of FIGS. 3A–3D. Similarly, the brief description may speak of "FIG. 1a–1c" to identify what on the drawing sheets is a single FIG. 1 with parts a through c, or the brief description may speak of "FIG. 1(a–c)" to identify what on the drawing sheets is three separate Figures— FIG. 1a, FIG. 1b, and FIG. 1c).

② The applicant is not required to maintain a consistent style for identifying the drawings. For example, in a given patent file the drawing sheets show FIGS. 1A–1C and FIGS. 3A–3C. It would be acceptable for the specification's brief description section to identify FIGS. 1A–1C as "FIG. 1" while at the same time identifying FIGS. 3A–3C as "FIGS. 3A–3C."

③ To the extent that the brief description does identify partial views and subdivisions, those identifications must be accurate. The

publication database contractor must query such an inaccuracy. See below the instructions for "printer waiting" queries.

The file is to be returned to the PTO via a "printer waiting" **QUERY** if:

- *The detailed description discusses drawings and/or there are formal drawing sheets in the file and/or the face of the file wrapper indicates the presence of drawings, yet there is no self-contained brief description of the drawings in the specification.*
- *The brief description of the drawings does not contain a brief description of all the drawings.*

For example, the drawing sheets show FIGS. 1, 2, 3, 4, and 5, yet the brief description describes FIGS. 1, 2, 3, and 4. Otherwise, see guidelines ① and ② above.

- *The brief description identifies Figures that share an Arabic numeral (that is, partial view Figures or subdivided Figures), but does so inaccurately or incompletely.*

See guideline ③ above. For example, the brief description speaks of "FIG. 5(a)" and "FIG. 5(b)" but does not mention a "FIG. 5(c)." If there is a FIG. 5(c) on the drawing sheets, a "printer waiting" query is necessary so that the PTO can either add a brief description of FIG. 5(c) or remove the brief descriptions of "FIG. 5(a)" and "FIG. 5(b)" and add a brief description of "FIG. 5." (See guideline ①.)

- *There are color drawings in the file and/or indications of color drawings in the file, yet the paragraph required by 37 CFR 1.84(a)(2)(iii) does not appear in the brief description.*

Composition

See 25. *Overview* and *Appendix E: Style Rules*.

32. *Detailed Description*

Data Source

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see codes SPEC (specification), A.PE (preliminary amendment), A... (amendment), NOA (Notice of Allowance and related papers, including examiner's amendments).

* * *

For purposes of data capture in a patent that has drawings, the detailed description is that portion of the specification, which appears between the brief description of the drawings and the claims. In a patent that has no drawings, the detailed description is that portion of the specification, which appears between the summary and the claims. The detailed description consists of data such as the following:

- a "full, clear, concise, exact" description of the invention
- the "best mode of ... carrying out [the] invention"
- a "specific embodiment" of the invention
- the particular "parts" of the invention

[See 37 CFR 1.71 **Detailed description and specification of the invention.** and see MPEP 608.01(g) **Detailed Description of Invention.**]

The detailed description may or may not include headings such as the following:

DETAILED DESCRIPTION OF THE INVENTION

DESCRIPTION OF THE PREFERRED EMBODIMENT

EXAMPLE 4

The detailed description is the most likely location for tables, complex equations, and complex formulas.

In some patents, the detailed description will also include additional kinds of data.
See *33. Parts of Application Filed on Compact Disc* and *34. Sequence Listing*.

Pre-Capture Verification

See *25. Overview*.

Composition

See *25. Overview* and *Appendix E : Style Rules*.

33. Parts of Application Filed on Compact Disc

* * *
<p>In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see code ARTIFACT (artifact sheet).</p>
* * *

Overview of CD Submissions

kinds of text filed in CD form. Under 37 CFR 1.52(e)(1) it is possible for applicants to submit three kinds of text in compact disc (CD) form instead of in paper form:

- computer program listing
- table more than 50 pages in length
- Sequence Listing

more than one kind of text on CD. It is possible for a CD to contain more than one of the three kinds of text. For example, a CD may contain table(s) plus a Sequence Listing.

each CD to be filed in duplicate. Rule 1.52(e)(4) requires that the CD be filed in two identical copies (except for the “computer readable form” of a Sequence Listing, if any, about which see **Sequence Listing Filed on CD** below). The transmittal letter accompanying the discs must state that the two discs (“Copy 1” and “Copy 2”) are identical. One copy of the CD will be permanently placed within the application file wrapper. One copy of the CD will be separately stored in the PTO.

multiple-CD submissions. It is possible that the data filed in CD form is of such volume that more than one disc is needed to contain it. Therefore, if three discs are needed to contain the data, then six discs (including the required duplicates) would be submitted.

labeling of CD. The applicant should label each CD to show the inventor’s name, the title of the invention, the attorney docket number or (if known) the application number, the creation date of the CD, and (if the CD submission consists of multiple discs) an indication such as “1 of 3,” etc. Also, the “Copy 1” or “Copy 2” indications must be present, for example, a CD submission consisting of three discs plus the three duplicates:

Copy 1 [1 of 3]	<i>same contents as</i>	Copy 2 [1 of 3]
Copy 1 [2 of 3]	<i>same contents as</i>	Copy 2 [2 of 3]
Copy 1 [3 of 3]	<i>same contents as</i>	Copy 2 [3 of 3]

amendment to CD. An amendment to data that was filed in CD form must be filed in the form of a replacement CD, in duplicate, with the date of creation indicated in this manner: “COPY 1 REPLACEMENT MM/DD/YYYY” and “COPY 2 REPLACEMENT MM/DD/YYYY.”

specification’s reference to CD. The specification is required to contain a reference to any CD that was filed by the applicant under 37 CFR 1.52(e). See **29. Reference to Compact Disc.**

Computer Program Listing Filed on CD or Paper

37 CFR 1.52(e)(1)(i) says that a “computer program listing (see § 1.96)” may be filed in CD form.

The former 37 CFR 1.96 set forth the “microfiche appendix” rules for computer programs listings. 37 CFR 1.96 as revised effective November 7, 2000, sets forth the “computer program listing appendix” rules involving the submission of a CD instead of a microfiche. Computer program listings submitted in compliance with the “microfiche appendix” rules were accepted by the PTO until March 1, 2001. Computer program listings filed on or after March 1, 2001, should comply with the “computer program listing appendix” rules.

If the applicant submits a “computer program listing appendix” on CD, the CD must be submitted in duplicate and a reference to the CD must appear at the beginning of the specification. See **Overview of CD Submissions** above and see **29. Reference to Compact Disc.**

A computer program listing filed on paper is to be printed as part of the patent. If the computer program listing is “300 lines or fewer” (ten pages or fewer) in length, with each line being “72 characters or fewer,” the applicant may submit it either as drawings or as part of the specification (or, as shown below, as a compact disc that is not to be printed as part of the specification). If the computer program listing is submitted as part of the specification and it contains “more than 60 lines of code” (more than three pages), the computer program listing “must be positioned at the end of the specification but before the claims.” A computer program listing filed on paper on or after March 1, 2001, that is more than 300 lines (more than ten pages) will not be printed, and will not be queried.

A computer program listing filed on CD (“computer program listing appendix”) is not to be printed as part of the patent. If the computer program listing is “over 300 lines [more than ten pages] (up to 72 characters per line)” it must be submitted in

the form of a compact disc, and the CD is referred to as a “computer program listing appendix.” Additionally, a computer program listing of any size *may* be submitted as a “computer program listing appendix.” A “computer program listing appendix” filed on CD will not be captured and printed. Instead, the “computer program listing appendix” filed on CD will be referred at the beginning of the specification. See **29. Reference to Compact Disc.**

INSTRUCTIONS FOR PUBLICATION DATABASE CONTRACTOR :

- With respect to the specification’s reference to a “computer program listing appendix” filed on CD, the contractor will follow the guidelines shown on Page 3 of this bulletin under II. SPECIFICATION’S REFERENCE TO COMPACT DISC (CD).
- A computer program listing of any size filed on CD will not be captured and printed.
- A computer program listing that is filed on paper and that is “300 lines or fewer” (ten pages or fewer) in length will be captured and printed.
- A computer program listing that is filed on paper on or after March 1, 2001, and that is more than 300 lines (more than ten pages) will not be printed, and will not be queried.
- The photocomposed patent front page will not indicate that a “computer program listing appendix” was filed on CD. The only such indication will be the reference to the “computer program listing appendix” CD at the beginning of the specification.
- The contractor will not be required to verify that a computer program listing was filed under the appropriate set of rules, that is, “microfiche appendix” rules versus “computer program listing appendix” rules.
- In an application which has a computer program listing, the contractor will initiate a “printer waiting” **QUERY** in the following circumstance:

improper location within specification, A computer program listing filed as part of the paper specification is between 61 and 300 lines in length (between three and ten pages) (or up to ten pages in length if the microfiche rules are operative in the application) but it has not been placed “at the end of the specification but before the claims” in accordance with 37 CFR 1.96(b).

- ➔ In response to this query, the examiner should move the computer program listing to the correct location at the end of the specification. If the examiner’s response to this query is “Print as is” or the like, the contractor should not re-query and should not move the computer program listing. Instead, the computer program listing should be captured and should remain in the same location.

Tables Filed on CD

* * *

In Appendix I: Data Sources in Image File Wrapper (IFW) Applications see code ARTIFACT, particularly the section called **(d) Tables on CD**.

tables on compact disc. The publication database contractor will check to see if the artifact identified on the artifact sheet (ARTIFACT) is “CD(s) containing pages of specification.” Such “pages of specification” will be tables. By rule, if a table has “more than 50 pages of text” the applicant may have filed it separately on CD. In this situation, the USPTO may have exported to the publication database contractor a paper “artifact file wrapper” containing the CD. If the USPTO did not export this “artifact file wrapper” containing the table(s) CD, the publication database contractor will request that the Office of Patent Publication (director’s office) provide the table(s) CD.

NOTE: If the artifact sheet indicates that the CD contains a computer program listing only, then there is no need for the publication database contractor to obtain the CD, inasmuch as computer program listings are not published. If the artifact sheet indicates that the CD contains a Sequence Listing only, then there is no need for the publication database contractor to obtain the CD, inasmuch as the source for the publication of a Sequence Listing is the copy of the CRF (computer readable form) provided to the publication database contractor by the USPTO’s STIC Systems Branch.

* * *

The revised 37 CFR 1.52(e)(1)(ii) says that a “Table ... that has more than 50 pages of text” may be filed in CD form. There may be more than one such table on the disc.

If the applicant submits one or more tables on CD, the CD must be submitted in duplicate and a reference to the CD must appear at the beginning of the specification. See **Overview of CD Submissions** above see **29. Reference to Compact Disc**.

INSTRUCTIONS FOR PUBLICATION DATABASE CONTRACTOR :

- With respect to the specification's reference to table(s) filed on CD, the contractor will follow the guidelines shown in **29. Reference to Compact Disc**.
- A copy of the CD containing the table(s) should be present in the allowed application file wrapper. A "printer waiting" **QUERY** should be initiated when any of the following problems occur:
 - *There is no CD within the file wrapper.*
 - *An incomplete or otherwise erroneous set of multiple discs is present within the file wrapper. For example, a query would be necessary if the two discs in the file wrapper were labeled "Copy 1 [1 of 2]" and "Copy 2 [1 of 2]" or if the sole disc in the file wrapper was labeled "Copy 2 [2 of 2]."*
 - *The CD does not contain any table(s).*
 - *The CD's label indicates that the CD belongs to another (unrelated) application.*
 - *The CD is unreadable and cannot be processed.*

interim instructions for Grant processing:

(A) Using the guidelines shown below, the publication database contractor will look for indications that the applicant filed one or more tables on CD, and will locate or otherwise obtain a copy of any such CD:

non-IFW application

- The CD reference at the beginning of the specification should identify any tables that the applicant filed on CD.
- If the applicant filed a CD, a copy of the CD should be present in the file wrapper. If the applicant-filed CD containing table data is not present in the file wrapper, or there is a technical problem with the CD, the publication database contractor will initiate a "printer waiting" **QUERY**.

IFW application

- The CD reference at the beginning of the specification should identify any tables that the applicant filed on CD.

- If the applicant filed a CD, there should be an Artifact Sheet (usually indexed in the IFW table of contents as ARTIFACT) indicating that the applicant did so. When an applicant-filed CD contains table data, the box checked by the USPTO on the Artifact Sheet is usually the box that says “CD(s) containing pages of specification.”
- The applicant-filed CD containing table data should be present in an Artifact File Wrapper separately exported by the USPTO. If the USPTO did not export the Artifact File Wrapper, or if the CD containing the table data is missing from the Artifact File Wrapper, or if there is a technical problem with the CD, the publication database contractor will initiate a “printer waiting” QUERY.

(B) The publication database contractor will capture the table data from the applicant-filed CD. Table data captured from the applicant-filed CD will be published in full at the end of the specification (immediately before any Sequence Listing).

Lengthy Table Sections Filed on Either Paper or CD

interim instructions for Grant processing:

(A) In whatever form the applicant submitted the table data, whether on paper or CD, a lengthy table section is defined as an accumulation of table data (one or more tables) covering 200 or more contiguous pages. For example, if Table 1 (one page) and Table 2 (one hundred ninety-nine pages) are contiguous, then Tables 1 and 2 constitute a lengthy table section. As another example, if Table 6 (two hundred pages) is immediately preceded and immediately followed by non-tabular text, then Table 6 constitutes a lengthy table section. An accumulation of table data (one or more tables) covering fewer than 200 contiguous pages is not a lengthy table section.

(B) During Grant processing if the publication database contractor encounters a lengthy table section as defined in A above, the publication database contractor will initiate a “printer waiting” QUERY addressed to DIRECTOR’S OFFICE, OFF OF PAT PUB. At some point in the future, lengthy table sections will not be published as part of the specification but instead will be separately published on the USPTO’s PSIPS web site. Until the necessary PSIPS procedures are finalized, the USPTO’s most likely response to a “lengthy table section” query will be an instruction to publish the lengthy table section in full as part of the specification. Nevertheless, in the interim, the publication database contractor should initiate “lengthy table section” queries so that the USPTO can make case-by-case decisions.

Sequence Listing Filed on CD

See *34. Sequence Listing*.

When the application is subject to the Sequence Listing rules, the applicant is required to submit the Sequence Listing as follows:

Rule 1.821(c) paper or CD version of Sequence Listing. 37 CFR 1.821(c) permits the applicant to submit the Sequence Listing on CD rather than on paper. There is no length or size requirement with respect to filing the Sequence Listing on paper versus filing it on CD.

- If the applicant submits the Rule 1.821(c) Sequence Listing on paper, the paper Sequence Listing will usually be placed within or attached to the application file wrapper. However, if the paper Sequence Listing is extremely lengthy, the PTO will store it separately from the application file and it will not accompany the application file when the application file is sent to the publication database contractor.
- If the applicant submits the Rule 1.821(c) Sequence Listing on CD, it must be filed in duplicate and a reference to the CD must appear at the beginning of the specification. See ***Overview of CD Submissions*** above and see ***29. Reference to Compact Disc***. Any CD that is placed within or attached to the application file wrapper is not to be used as the data source for the capture of the Sequence Listing.

Rule 1.821(e) computer readable form (CRF) version of Sequence Listing. Whether the Rule 1.821(c) version is paper or CD, there is still a separate requirement under 37 CFR 1.821(e) that the applicant submit an electronic CRF version of the Sequence Listing. The Rule 1.821(e) CRF goes to the PTO's Scientific and Technical Information Center (STIC), which provides the publication database contractor with a copy of the CRF for use in the capture of the Sequence Listing.

- The applicant may submit the Rule 1.821(e) CRF on tape, diskette, or CD or even as an attachment under the Electronic Filing System (EFS).
- If the applicant submits the Rule 1.821(e) CRF on a CD, it is not submitted in duplicate. See Rule 1.52(e)(4). Therefore, a Rule 1.821(c) Sequence Listing filed on (duplicate) CDs plus a Rule 1.821(e) CRF filed on CD means a total of three CDs.

INSTRUCTIONS FOR PUBLICATION DATABASE CONTRACTOR :

- With respect to the specification's reference to a Rule 1.821(c) Sequence Listing filed on CD, the contractor will follow the guidelines shown in **29. Reference to Compact Disc**.
- The Rule 1.821(e) CRF copy supplied to the contractor by STIC will be the data source for the publication database contractor's capture and printing of the Sequence Listing, whether the applicant submitted the Rule 1.821(c) version of the Sequence Listing on paper or on CD.
- The current verification practice is that the contractor cross-checks the paper copy of the Sequence Listing against the CRF in order to verify that the two versions contain the same total of SEQ ID NOs., etc. However, when the applicant has submitted the Rule 1.821(c) Sequence Listing on CD rather than on paper, or when the applicant has submitted the Rule 1.821(c) Sequence Listing on paper but the paper Sequence Listing is extremely lengthy and is not included within or attached to the file wrapper, then properly there will be no paper copy of the Sequence Listing in the file wrapper, and the contractor will do the cross-checking as follows:
 - The contractor will locate the set of papers that are sometimes referred to as the "STIC copy." The contractor will cross-check the "STIC copy" papers against the CRF.
 - A "printer waiting" **QUERY** will be necessary:
 - (a) when there is no paper Sequence Listing in the file wrapper and there are no "STIC copy" papers within the file wrapper;
 - (b) when there is a discrepancy between the "STIC copy" papers and the CRF, for example, when the SEQ ID NO total at <160> on the "STIC copy" papers is different from the SEQ ID NO total at <160> on the CRF.
- When the Rule 1.821(e) CRF is 600 KB or more in size, it will be treated as a "lengthy Sequence Listing" and separately published on the USPTO sequence homepage.

34. *Sequence Listing*

Data Source

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see the section with the heading *Sequence Listing*:

If the applicant files the Sequence Listing on paper, the USPTO should use IFW index code **SEQLIST**. The IFW printout (hard copy) of the **SEQLIST** image may show an entire Sequence Listing, but if the Sequence Listing is lengthy, the IFW printout (hard copy) of the **SEQLIST** image may show only the first few pages of the Sequence Listing.

If the applicant files the Sequence Listing on CD, the USPTO should complete an artifact sheet and scan it into IFW with the index code **ARTIFACT**. The artifact sheet will be included in the IFW printout (hard copy).

In either of the above two situations, the applicant must also have filed a computer readable form (CRF) of the Sequence Listing, which is maintained by STIC Systems Branch and which will serve as the data source for the capture of the Sequence Listing.

EXPORT OF CRF TO IDC: PALM will be updated to show each application's **SENT Date** (date sent to IDC), whether the application is a conventional paper file wrapper or an IFW printout (hard copy). Per the current procedures, at the beginning of each week the USPTO will produce a PUBS Sequence Report identifying the applications that meet two conditions: (a) the **SENT Date** is on Monday through Friday of the preceding week and (b) the PALM contents listing shows a "CRF" code. The PUBS Sequence Report will be forwarded to the contractor and to STIC Systems Branch. The STIC Systems Branch will copy the CRFs for all of the applications identified in the report, and via the Office of Patent Publication will send the CRFs on a compact disc to IDC.

EXPORT OF REPLACEMENT CRF TO IDC: As the result of a "printer rush" query, the STIC Systems Branch may send a new or replacement CRF to the contractor.

* * *

See the following:

- 37 CFR 1.821 **Nucleotide and/or amino acid sequence disclosures in patent applications.**
- 37 CFR 1.822 **Symbols and format to be used for nucleotide and/or amino acid sequence data.**
- 37 CFR 1.823 **Requirements for nucleotide and/or amino acid sequences as part of the application.**
- 37 CFR 1.824 **Form and format for nucleotide and/or amino acid sequence submissions in computer readable form.**
- 37 CFR 1.825 **Amendments to or replacement of sequence listing and computer readable copy thereof.**

When there is a nucleotide and/or amino acid Sequence Listing, the applicant is required to submit the Sequence Listing in two forms:

- on either paper or compact disc, which version becomes part of the physical application file (see **Sequence Listing Filed on CD** in *33. Parts of Application Filed on Compact Disc*);
- in computer-readable form (CRF) encoded in a subset of the American Standard Code for Information Interchange (ASCII), which is goes to the USPTO Scientific and Technical Information Center's Biotechnology Systems Branch.

The Sequence Listing is captured from the electronic Raw Sequence Listing, which is a copy of the CRF that the STIC Systems Branch supplies to the publication database contractor. The paper or CD version of the Sequence Listing is **not** to be used as the data source.

NOTE: When processing a biotechnology application filed before October 1, 1990, the publication database contractor will capture any Sequence Listing using the only available source (the paper printout). Since "pre-rule" Sequence Listings vary greatly in format, the publication database contractor will follow the format of the source.

When the Rule 1.821(e) CRF is 600 KB or more in size, the Sequence Listing will be treated as a lengthy Sequence Listing and will separately published on the USPTO sequence homepage. Below see **Processing of Lengthy Sequence Listings**.

DEFINITIONS:

sequence. An “unbranched sequence of four or more amino acids or an unbranched sequence of ten or more nucleotides” (37 CFR 1.821).

Sequence Listing. The formal presentation of disclosed sequences (plus “associated information”) filed “as a separate part of the disclosure” in accordance with 37 CFR 1.821 through 1.825. The applicant is required to file the Sequence Listing in two forms—(1) in paper or compact disc form and (2) in computer readable form.

Rule 1.821(c) paper or CD version of Sequence Listing. The applicant files a paper saying that the paper or CD version of the Sequence Listing is identical to the CRF version. The USPTO stores the paper or CD version as part of the physical application file.

Rule 1.821(e) computer readable form (CRF) version of Sequence Listing. This version may be a tape, disc, etc. The Biotechnology Systems Branch of the USPTO’s Scientific and Technical Information Center (STIC) maintains custody of the CRF.

embedded sequence. A sequence (or fragment of a sequence) appearing within specification text or claims text. The publication database contractor’s source for an embedded sequence is the specification printout, from which the embedded sequence is captured as a complex work unit.

Raw Sequence Listing. STIC Systems Branch creates an electronic working version of the CRF known as the Raw Sequence Listing. The Raw Sequence Listing may include non-substantive changes or corrections made by STIC. To the extent that such non-substantive changes or corrections have been made, the electronic Raw Sequence Listing will vary from the paper (or CD) Sequence Listing. The electronic Raw Sequence Listing is the source from which the publication database contractor captures the Sequence Listing (see **8mm tape** below).

lengthy Sequence Listing. This is one whose CRF is 600 KB or more in size. Instead of being published as part of the specification, the lengthy Sequence Listing is separately published on the USPTO’s sequence data homepage. Below see **Processing of Lengthy Sequence Listings**.

Pre-Capture Verification

“Pubs Sequence” weekly PALM report. At the beginning of each week the USPTO will search its PALM data base to determine, of the allowed applications sent to Initial Data Capture during the preceding week, which of those applications are coded “CRF”—that is, which of those applications have Sequence Listings. The

search will lead to the “Pubs Sequence” weekly PALM report in which these applications will be identified by application number. The Office of Patent Publication will provide the publication database contractor with a copy of the “Pubs Sequence” weekly PALM report as soon as possible, in order to facilitate the contractor’s screening of files. The STIC Systems Branch will use the same “Pubs Sequence” weekly PALM report to identify the Sequence Listings that need to be copied and sent to the publication database contractor (see **8 mm tape** below). The publication database contractor should return the application to the USPTO via a “printer waiting” **QUERY** if:

- ***There is a paper [or compact disc] Sequence Listing in the application, but the application number does not appear on the “Pubs Sequence” PALM report.*** The query message should say the following:

Examiner, application file contains a Rule 1.821(c) paper [or CD] Sequence Listing but it appears that no Rule 1.821(e) CRF was filed. Please correct. Please contact STIC Systems Branch [Sequence Listing Help Desk, 703-308-4212] before returning file to Data Query Branch, Office of Patent Publication.

- ***The application number appears on the “Pubs Sequence” PALM report, but there is no paper [or compact disc] Sequence Listing in the application.*** The query message should say the following:

Examiner, the application file does not contain a Rule 1.821(c) paper or CD Sequence Listing. Please correct. Please contact STIC Systems Branch [Sequence Listing Help Desk, 703-308-4212] before returning file to Data Query Branch, Office of Patent Publication.

letter requesting transfer of CRF from one application to another. See 37 CFR 1.821(e) and MPEP 2422.05. When the applicant is required to file a CRF (computer readable form) of a Sequence Listing, and a CRF of the identical Sequence Listing was previously filed in another application (such as a parent application), then the applicant may submit a letter requesting that the previously filed CRF be transferred to the application at hand. Such letters sometimes come in as post-allowance “Rule 312” amendments.

- ***When the publication database contractor encounters a letter requesting the transfer of the CRF from another application to the application at hand and that letter has not yet been acted upon, the contractor via a “printer waiting” query will send the letter and the application file to the appropriate Technology Center.***

In the application at hand, the applicant still must have submitted a paper (or compact disc) version of the Sequence Listing. The paper (or compact disc) version of the Sequence Listing may not be transferred from a previously filed application to the application at hand.

weekly CD from STIC. STIC Systems Branch will provide the publication database contractor with a compact disc containing the electronic Raw Sequence Listings for

each week's allowed applications. This CD is the data source to be used for the capture of the Sequence Listings. If the publication database contractor should discover that the CD is incomplete or that an erroneous Raw Sequence Listing is included on the CD, STIC Systems Branch (Sequence Listing Help Desk at 703-308-4212) will provide additional CDs as needed.

STIC report. STIC Systems Branch will provide the publication database contractor with a report that identifies each application that has a Sequence Listing. This report should reflect the contents of the weekly CD. When STIC has made non-substantive changes or corrections to a Sequence Listing, it is identified on the report as a "corrected" Sequence Listing. For example:

```
US08555000.raw
US08592777.raw
US08654321.raw-corrected
```

STIC Sequence Listing Help Desk. If the publication database contractor does not receive an electronic Raw Sequence Listing or there is some other problem with a Sequence Listing, the publication database contractor should contact STIC Systems Branch's Sequence Listing Help Desk at 703-308-4212. Some problems may be resolved without a need for the publication database contractor to return the application file to the USPTO. However, it will sometimes be necessary for the Sequence Listing Help Desk to ask that an application file be returned to the USPTO via a "printer waiting" query.

file wrapper's documentation of corrected Raw Sequence Listing. Although no handwritten corrections are made to the specification's paper version, STIC does enter a record of the corrections into the application file folder. When STIC has made such non-substantive changes, the publication database contractor should see the following indications of those changes:

- The **CONTENTS** flap of the file wrapper should contain an entry such as the following:

6. *Raw Sequence Listing (Corrected)* 12-14-95
or

3. *RSL (Corrected)* 2-2-93

or

9. *CRF Disk (Corrected)* 8-22-94

- The publication database contractor, guided by the relevant paper number, will go to the inside right section of the file wrapper and locate the following collection of sheets. These sheets should reflect the correct patent application number (serial number). The first sheet will be a one-page form; it will be followed by two multi-sheet sets:

- form entitled **CRF Errors Corrected by the STIC Systems Branch**

This checklist-style form is used by the STIC Systems Branch to describe with specificity the corrections that it has made to the computer-readable form (CRF) of the Sequence Listing. The stamped word **ENTERED** will appear on this form.

- Raw Sequence Listing with corrections

The first sheet of this set of sheets will present the Raw Sequence Listing's "General Information" data. At the top of this introductory sheet, the stamped word **ENTERED** will appear. Also, the following notation will appear:

**This Raw Listing contains the General
Information Section and up to the first 5 pages.**

The following heading precedes Sequence Listing's corrected sequence(s):

*******PREVIOUSLY ERRORED SEQUENCES - EDITED*******

- Raw Sequence Listing with errors showing hand-marked corrections

On the first sheet of this set of sheets, the following notations will appear:

**Does not comply
- Send a notice -**

and:

**This Raw Listing contains the General
Information Section and those Sequences
containing ERRORS.**

Following the "General Information" section, the following line will appear:

ERRORED SEQUENCES FOLLOW:

and the sequences showing the handwritten correction(s) will then be presented.

cross-checking by publication database contractor. The current verification practice is that the contractor cross-checks the paper copy of the Sequence Listing against the CRF in order to verify that the two versions contain the same total of SEQ ID NOs., etc. However, when the applicant has submitted the Rule 1.821(c) Sequence Listing on CD rather than on paper, or when the applicant has submitted the Rule 1.821(c) Sequence Listing on paper but the paper Sequence Listing is extremely lengthy and is not included within or attached to the file wrapper, then properly there will be no paper copy of the Sequence Listing in the file wrapper, and the contractor will do the cross-checking as follows:

- The contractor will locate the set of papers that are sometimes referred to as the “STIC copy.” The contractor will cross-check the “STIC copy” papers against the CRF.
- A “printer waiting” **QUERY** will be necessary:
 - *when there is no paper Sequence Listing in the file wrapper and there are no “STIC copy” papers within the file wrapper;*
 - *when there is a discrepancy between the “STIC copy” papers and the CRF, for example, when the SEQ ID NO total at <160> on the “STIC copy” papers is different from the SEQ ID NO total at <160> on the CRF.*

required formatting to be performed by data base contractor. Some format errors may escape detection by STIC's verification software. The **Composition** instructions below set forth the format requirements for each Sequence Listing. It is the publication database contractor's responsibility to see that these format requirements are met in the captured Sequence Listing.

“previous [old] rule” Sequence Listings versus “revised [new] rule” Sequence Listings. The Federal Regulations pertaining to Sequence Listings [37 CFR 1.821 through 37 CFR 1.825] were revised as of July 1, 1998. These U.S. rule revisions reflect the international standard for the filing of Sequence Listings [WIPO Standard ST.25], which also became effective on July 1, 1998. In general, the revised rules apply to applications filed on or after July 1, 1998. In reexamination proceedings, the revised rules are applicable if the request is to reexamine a patent the application for which was filed on or after July 1, 1998. In what follows, the previous rules are the Sequence Listing rules in effect prior to July 1, 1998, while the revised rules are the Sequence Listing rules in effect on or after July 1, 1998. The publication data base contractor will **not** be required to verify that a given Sequence Listing was filed under the appropriate set of rules.

1. Location of Paper Sequence Listing

The publication database contractor will locate the valid (properly entered) paper Sequence Listing.

If the application was filed under the previous rules, the prescribed location for the paper Sequence Listing is “immediately prior to the claims.” In such an application, if specification text of any kind (sentences, formulas, tables, etc.) is interposed between the end of the paper Sequence Listing and the beginning of the claims, the publication database contractor will move that text so that it precedes the paper Sequence Listing and so that the paper Sequence Listing immediately precedes the claims.

If the application was filed under the revised rules, there is no prescribed location within the file wrapper for the paper Sequence Listing, although the PTO usually will place it beneath the oath/declaration in the inside center. Otherwise, the paper Sequence Listing may be located elsewhere within the file wrapper, or even—when the Sequence Listing is especially lengthy—outside the file wrapper, perhaps in a separate box (or boxes).

Under the revised rules, the applicant “preferably should” number the paper Sequence Listing “independently of the remainder of the application.” However, the publication data base contractor will **not** be concerned with the pagination scheme of the paper Sequence Listing.

2. Nucleotide Base Codes

In an application filed under the previous rules, it is possible for the Sequence Listing to show the nucleotide base codes in uppercase, in lowercase, or in a combination of the two.

In an application filed under the revised rules, the Sequence Listing is required to show all nucleotide base codes in lowercase.

However, when processing a given Sequence Listing, the publication data base contractor will **not** be concerned with whether the applicant has presented his/her base codes in the proper case. The publication data base contractor will **not** be required to convert a base code from uppercase to lowercase, or vice-versa.

The data base contractor will capture the base codes in precisely the case(s) in which they appear in the Raw Sequence Listing:

lowercase only, such as `cgcgtgcgcg`

OR

uppercase only, such as `CGCGTGCGCG`

OR

mixed lowercase/uppercase, such as `cgcGTGcgcg`

3. Subject Headings and Numeric Identifiers

In a Sequence Listing filed under the previous rules, the applicant must use English-language subject headings such as (iii) NUMBER OF SEQUENCES: and (A) LENGTH:.

In a Sequence Listing filed under the revised rules, the applicant must use a new system of language-neutral numeric identifiers in place of the earlier system of English-language subject headings. For example, <160> will be used to identify the “number of sequences” information, and <211> will be used to identify the “length” information. However, after a Sequence Listing has been filed under the revised rules, the USPTO’s Scientific and Technical Information Center (STIC) processes the CRF through special software, which adds the appropriate English-language equivalent beside each numeric identifier. This routine modification of the CRF is not considered a “correction” and is not indicated on the form entitled **CRF Errors Corrected by the STIC Systems Branch**. The purpose of the modification is to make certain that English-language subject headings appear in the published patent’s Sequence Listing. To that end, the Raw Sequence Listing is a copy of the STIC-modified CRF. No such modifications are made to the paper Sequence Listing. Therefore—with respect to the identifiers in a “revised rule” Sequence Listing—the paper Sequence Listing should show numeric identifiers only, while the Raw Sequence Listing should show both numeric identifiers and English-language subject headings:

paper Sequence Listing

<160>
<210>
<211>

Raw Sequence Listing

<160> NUMBER OF SEQUENCES:
<210> SEQ ID NO:
<211> LENGTH:

If the Raw Sequence Listing shows numeric identifiers but does not also show English-language subject headings, it means that the CRF was not processed through STIC’s “English-language subject heading” software. In such a circumstance, the publication data base contractor will contact STIC’s Sequence Listing Help Desk for guidance about obtaining a replacement Raw Sequence Listing.

In summary, the publication data base contractor will capture whichever of the following two styles is used in the Raw Sequence Listing:

- the “previous rule” style:

(iii) NUMBER OF SEQUENCES:
(2) INFORMATION FOR SEQ ID NO:
(A) LENGTH:

OR

- the “revised rule” style as modified by STIC’s software:

<160> NUMBER OF SEQUENCES:
<210> SEQ ID NO:
<211> LENGTH:

Composition

point size and font for sequence data. Both the Sequence Listing (captured from the Raw Sequence Listing) and the embedded sequences (captured as complex work units) will be printed in 7-point Courier. See **25. Overview**.

rules for the composition of Sequence Listings:

- 1. The Sequence Listing must be printed so that it appears immediately before the claims.**
- 2. The Sequence Listing must be printed in a single-column format—that is, across the entire patent page.**
- 3. A horizontal line must separate the running text of the detailed description from the Sequence Listing.**
- 4. The following fields in the Raw Sequence Listing are not to be captured:**

- (i) APPLICANT
- (ii) TITLE OF INVENTION
- (iv) CORRESPONDENCE ADDRESS
- (v) COMPUTER READABLE FORM
- (vi) CURRENT APPLICATION DATA
- (vii) PRIOR APPLICATION DATA [*if present*]
- (viii) ATTORNEY/AGENT INFORMATION
- (ix) TELECOMMUNICATION INFORMATION

OR

- <110> Applicant
- <120> Title of Invention
- <130> File Reference [*docket number*]
- <140> Current Application Number
- <141> Current Filing Date
- <150> Prior Application Number
- <151> Prior Application Filing Date
- <170> Software

NOTE: Under the revised rules, there are no numeric equivalents for the following English-language side-headings: CORRESPONDENCE ADDRESS; ATTORNEY/AGENT INFORMATION; TELECOMMUNICATION INFORMATION.

- 5. The Sequence Listing must appear in the standardized "PatentIn" format.**

NOTE: Most Sequence Listings are generated from the "PatentIn" software. Sometimes, however, an applicant submits a Sequence Listing that does not contain indentations, and the publication database contractor is to reformat such a Sequence Listing.

6. The Sequence Listing must contain no large blank spaces.

NOTE: The Sequence Listing should be continuous, without large blank spaces between or with its sequences. These large spaces are caused by "hard page break" codes in the applicant's electronic file. The publication database contractor must close up these spaces.

7. Nucleotide base codes must be vertically aligned in the right margin.

8. The enumeration of amino acids must show a number beneath every fifth amino acid.

NOTE: Amino acid enumerators become misaligned when the applicant separates the amino acid numbers with TAB codes. These codes do not properly convert to ASCII text, which is the required format for a Sequence Listing submitted to the USPTO. (This misalignment may not appear on the paper copy of the Sequence Listing, since the paper copy may have been printed using other software.) The publication database contractor must correct any such misalignment that appears on the electronic Raw Sequence Listing.

9. Nucleotide bases in "non-coding" parts of a sequence must be spaced apart in groups of ten, with leftover bases (that is, a group of fewer than ten) separated from the adjacent group by a space. Nucleotide bases in "coding" parts of a sequence must be shown in groups of three.

10. No page numbers or other "footers" are to appear in the printed Sequence Listing.

NOTE: Applicants are required to number the pages of the paper version of the Sequence Listing but the pages in the electronic version. However, some applicants do include page numbers in the electronic version. Depending on where they are inserted, these page numbers may not be detected by STIC's verification software, and the publication database contractor must make sure that they are not printed.

11. Each amino acid must be shown in full. A line's last amino acid designator must not drop to the next line.

NOTE: After an applicant has created the Sequence Listing file in "PatentIn" software, the applicant may retrieve this ASCII file into his or her word processing software for further editing or printing. Unfortunately, word-processing software packages have their own unique settings. This may lead to a "wrapping" problem, where the last amino acid designator in a line drops to the next line. The publication database contractor must recognize this "wrapped" format as an error and edit the Sequence Listing to show each amino acid line in full, with the proper amino acid numbering underneath.

Processing of Lengthy Sequence Listings

■ Interim Processing Steps

A lengthy Sequence Listing is defined as one that is 600 KB or more in size.

Lengthy Sequence Listings will not be published as part of the specifications of patents or statutory invention registrations (SIRs). Instead, each such lengthy Sequence Listing will be separately published as an ASCII text file on the USPTO's sequence publication site. In place of the lengthy Sequence Listing, the specification will show a table containing the heading `SEQUENCE LISTING` plus a standardized statement which includes the URL for the lengthy Sequence Listing.

The following interim processing steps are applicable to allowed applications entering patent publication processing:

(1) The USPTO will do the following:

- (a) Identify each lengthy Sequence Listing (as defined above).
- (b) Modify the computer readable form (CRF) of the lengthy Sequence Listing by removing certain bibliographic fields so that the only remaining bibliographic fields are <140> Current Application Number and <160> Number of SEQ ID Nos. (or the corresponding fields in an "old-style" Sequence Listing).
- (c) Export a tape of the modified CRF to the publication database contractor.

(2) The publication database contractor will do the following:

- (a) Insert the `SEQUENCE LISTING` table into the specification in accordance with the instructions below under **SEQUENCE LISTING Table in Specification**.
- (b) Provide the sequence publication site's project manager (via e-mail to lisa.hobbs@uspto.gov) with the following information about each lengthy Sequence Listing:
 - application number
 - publication number of patent, statutory invention registration, or patent application publication
 - issue date of patent or publication date of statutory invention registration or patent application publication
- (c) Duplicate the modified CRF and attach the duplicate as a separate ASCII file at the end of the Red Book tape for the weekly issue (Grant Red Book

deliverable). (The Grant Red Book deliverable serves as the source for the lengthy Sequence Listings that the USPTO loads onto PSIPS.)

(d) Place the modified CRF on a properly labeled compact disc (CD) in accordance with the instructions under **disc label** below and **disc content** below and distribute copies of the compact disc as follows:

- One CD copy (the “OPR working copy”) will be delivered to the USPTO’s Office of Public Records (OPR), Document Services Division. For address and other information, see **number of copies of disc** below and see **OPR working copy of disc** below.
- One CD copy (the “grant cover’s copy”)—and this applies to patents only, not to statutory invention registrations—will be included in the official patent grant that is mailed to the applicant on issue day. See **number of copies of disc** below and see **grant cover’s copy of disc** below.

If the USPTO exports a Sequence Listing smaller than 600KB in size and therefore not subject to these interim procedures, and if the Sequence Listing as captured by the publication database contractor expands beyond 600KB in size, then the publication database contractor will request that the USPTO (STIC Systems Branch) re-export the Sequence Listing as a lengthy Sequence Listing in accordance with these interim procedures.

■ SEQUENCE LISTING Table in Specification

See Step (2)(a) above.

The lengthy Sequence Listing will not be included as part of the specification in the Red Book, Yellow Book (composed image), and PostScript® (composed) versions of the patent or statutory invention registration (SIR).

In place of the lengthy Sequence Listing, the specification will show a table containing the uppercase heading `SEQUENCE LISTING` and the uppercase/lowercase standardized statement beginning `The patent contains a ...`, as presented in the example below. If the publication is a SIR, the table's standardized statement will begin `The statutory invention registration contains a ...`.

The table will be published immediately after the main body of the specification and immediately prior to the claims.

The table's standardized statement will contain a URL. The DocID within the URL will be the patent or SIR publication number, including the two-position kind code:

utility patent DocID →	seven numeric positions plus two-position alphanumeric kind code
plant patent DocID →	eight positions (PP, leading zero, sequential number) plus two-position alphanumeric kind code
reissue patent DocID →	eight positions (RE, leading zero, sequential number) plus two-position alphanumeric kind code
SIR DocID →	eight positions (H, leading zeros, sequential number) plus two-position kind code

The US prefix will not appear in the DocID. The kind code used in the DocID will be the two-position alphanumeric kind code used in the Yellow Book header record (see Item 3 on Page 1 of Yellow Book, January 2001), as opposed to the kind code used in the masthead of the composed front page. For example:

	<u>pub. number in masthead</u>	<u>DocID in URL</u>
B1 utility patent	US 7,654,321 B1	7654321B1
B2 utility patent	US 7,654,321 B2	7654321B2
P2 plant patent	US PP54,321 P2	PP054321P2
P3 plant patent	US PP54,321 P3	PP054321P3
reissue patent	US RE54,321 E	RE054321E1
SIR	US H4321 H	H0004321H1

The heading SEQUENCE LISTING will be centered at the beginning of the composed table. The table will be shown in 9-point Times New Roman in the style presented in the example below, that is, in a single-column format across the entire composed page, preceded by a horizontal line and followed by a horizontal line.

As shown in Table 1, a peptide separated as Peak 4 of the peptides produced in the reaction mixture was found to be the unreacted substrate peptide. The molecular weight of the peptide contained in peak 3 was identical to the molecular weight of a peptide resulting from a formyl release from the substrate peptide.

The amino terminal protecting group-releasing enzyme of the present invention exhibits an amino terminal protecting group releasing activity on two or more kinds of protecting groups. In addition, according to the present invention, there is provided a method for removing an amino terminal protecting group of a peptide using the enzyme. The enzyme is

useful for an analysis of an amino acid sequence of a peptide, particularly a protein or peptide of which amino terminal is blocked by unconfirmed protecting groups. The present invention also provides a DNA encoding the enzyme, and a method for filler filler filler filler filler producing the above enzyme. An N-terminal acetylated amino terminal protecting group releasing enzyme, the enzyme prepared by altering the DNA, is useful, since the enzyme does not undergo Edman degradation, so that particularly in the method for analysis of the amino acid sequence using Edman degradation, information of the amino acid sequence derived from the enzyme does not result in noise.

SEQUENCE LISTING

The patent contains a lengthy "Sequence Listing" section. A copy of the "Sequence Listing" is available in electronic form from the USPTO web site (<http://seqdata.uspto.gov/sequence.html?DocID=7654321B1>). An electronic copy of the "Sequence Listing" will also be available from the USPTO upon request and payment of the fee set forth in 37 CFR 1.19(b)(3).

What is claimed is:

1. An purified amino terminal protecting group-releasing enzyme from *Pyrococcus* characterized in that said enzyme possesses an activity for releasing a protecting group by acting on a peptide of which amino terminal is blocked by the filler filler filler protecting group (hereinafter abbreviated as a term

"amino terminal protecting group-releasing activity"), and exhibits said activity for two or more protecting groups selected from the group consisting of acetyl group, pyroglutamyl group, formyl group and myristol group.

2. The enzyme according to claim 1, wherein the enzyme further possesses an amino peptidase activity.

■ Compact Disc Products

disc label : See Step (2)(d) above. The publication database contractor will repeat the following information in 12-point Times New Roman Bold around the circumference of the compact disc:

U.S. Patent & Trademark Office * Alexandria, VA 22313-1450 *

The publication database contractor will print the following label information in 12-point Times New Roman Bold in the center portion of the compact disc:

Line 1	Sequence Listing for
Line 2	U.S. Patent (or U.S. Statutory Invention Registration)
Line 3	patent (or SIR) number, masthead version, including US and kind code
Line 4	issue date (masthead version)
Line 5	Disc _ of _ indication

Each line will be centered with respect to the other lines. Lines 1 through 4 will be printed above the CD hole. The USPTO logo will be printed below the CD hole. Line 5 will be printed below the USPTO logo.

Examples showing Lines 1 through 5:

**Sequence Listing for
U.S. Patent
US 7,654,321 B1
Jan. 16, 2001
Disc 1 of 1**

**Sequence Listing for
U.S. Patent
US PP54,321 P2
Jan. 16, 2001
Disc 1 of 1**

**Sequence Listing for
U.S. Patent
US RE54,321 E
Jan. 16, 2001
Disc 1 of 1**

**Sequence Listing for
U.S. Statutory Invention Registration
US H4321 H
Jan. 16, 2001
Disc 1 of 1**

disc content : See Step (2)(d) above. The publication database contractor will include the following files on the compact disc:

- ♦ **readme.txt file** which repeats Lines 1 through 4 of the disc label. If there are multiple discs, the identical readme.txt file will appear in each disc.
- ♦ **disc-id.txt file** which repeats Line 5 of the disc label.
- ♦ **CRF** of the lengthy Sequence Listing. The file name should include the document number and the issue date. For example:

US06294328-20010925.SEQ

If the CRF does not fit onto one disc, the portion of the CRF on each disc will require a unique file name by way of the addition of a hyphen and the disc number. For example:

US06294328-20010925-1.SEQ

US06294328-20010925-2.SEQ

number of copies of disc : See Step (2)(d) above. The publication database contractor will produce the compact disc in the numbers described below:

- ♦ **two (2) copies** when the publication is a patent (utility, plant, or reissue)

See **OPR working copy of disc** below.

See **grant cover's copy of disc** below.

- ♦ **one (1) copy** when the publication is a statutory invention registration

See **OPR working copy of disc** below.

OPR working copy of disc : See Step (2)(d) above. When the lengthy Sequence Listing is from either type of publication (patent or statutory invention registration), the publication database contractor will deliver a copy of the compact disc to the USPTO's Office of Public Records (OPR), Document Services Division. The OPR working copy will be used to fill public orders for copies of the lengthy Sequence Listing. The publication database contractor will address the OPR working copy of the disc as follows:

Office of Public Records
Document Services Division
Crystal Gateway 4, Suite 400

grant cover's copy of disc : See Step (2)(d) above. When the lengthy Sequence Listing is from a patent, the publication database contractor will include a copy of the compact disc in the official patent grant that is mailed to the applicant on issue day. In order to secure the compact disc within the patent grant, a sleeved sheet will be bound within the grant cover as the last page of the patent document (that is, the sleeved sheet will be the next page after the last page of claims), and then the compact disc will be inserted into the sleeve. Multiple discs will be accommodated, as needed, by single-sleeved sheet(s) and/or double-sleeved sheet(s).

■ **Advance Order Copies of Patent**

The lengthy Sequence Listing will not be included in any advance order copies. A copy of a compact disc will not be prepared for advance order copies.

35. *Claim(s)*

Data Source

* * *

In **Appendix I: Data Sources in Image File Wrapper (IFW) Applications** see codes CLM (claims), CLMPTO (claims), A... (amendment), A.PE (preliminary amendment), NOA (Notice of Allowance and related papers, including examiner's amendments).

* * *

The claims follow the detailed description and conclude the specification. The data sources for the capture of the claims are the claims as they appear on original specification manuscript pages and/or as they appear in amendment papers.

The claims must begin with a claim statement which ends with a colon. For example:

I claim:

We claim:

What I claim is:

The embodiments of the invention is which exclusive privilege and property is claimed are defined as follows:

Each claim consists of a single sentence and is numbered. During the prosecution of a patent application, it is common for claims to be canceled, added, amended, and renumbered. The surviving claims may be out of numeric order but will be captured in correct numeric order. See the following:

35 U.S.C. 112	Specification.
37 CFR 1.75	Claim(s).
37 CFR 1.119	Amendment of claims.
37 CFR 1.121	Manner of making amendments.
37 CFR 1.126	Numbering of claims.
MPEP 608.01(i)	Claims
MPEP 608.01(j)	Numbering of Claims
MPEP 608.01(m)	Form of Claims
MPEP 608.01(n)	Dependent Claims
MPEP 1302.09	Notations on File Wrapper

Pre-Capture Verification

The publication database contractor will carry out the verification steps shown below. These steps involve the **CLAIMS ALLOWED** section on the face of the file wrapper, the **INDEX OF CLAIMS** on the inside left flap of the file wrapper, and the claims themselves. These steps should be performed in conjunction with verification steps ①, ②, ③, ④, and ⑦ as shown in the **Pre-Capture Verification** section of **22. Claim, Drawing Sheet, Color Sheet Totals**.

■ claim statement

The publication database contractor will make certain that a claim statement is present in the data source.

The publication database contractor will make a punctuation addition or change to make sure that the claim statement ends with a colon.

If there is no claim statement, the publication database contractor will add the appropriate one ("I claim:" or "We claim:").

If there are multiple claim statements, the publication database contractor will capture only one.

If the claim statement is inappropriate (for example, multiple inventors say `I claim:`), the publication database contractor will make the change to the appropriate wording.

If the claim statement is uppercase in the data source (`I CLAIM:`), the publication database contractor will capture it in uppercase/lowercase (`I claim:`).

■ numbering of claims; agreement with INDEX OF CLAIMS

The publication database contractor will make certain that all the claims are present in the data source and that the claim numbering in the data source reflects the claim numbering in the **INDEX OF CLAIMS**. For example, if claim 1 in the data source was originally claim 30, then in the **INDEX OF CLAIMS** the number 1 must appear in the **Final** column box to the immediate left of the **Original** column's pre-printed number 30.

The file will be returned to the USPTO via a "printer waiting" **QUERY** if:

- *There is a discrepancy between the claim numbering in the data source and the claim numbering in the INDEX OF CLAIMS.*
- *A claim is missing from the numeric sequence.*

- *Two or more claims have the same number.*
- *A claim appears in the data source that is not indicated in the **INDEX OF CLAIMS**.*

See also "printer waiting" query instructions in verification step ⑦ in the **Pre-Capture Verification** section of **22. Claim, Drawing Sheet, Color Sheet Totals**.

When the USPTO renumbers a claim by hand, red ink should be used. If the USPTO has renumbered a claim in pencil and if the penciled-in number is in accord with the **INDEX OF CLAIMS**, then the publication database contractor may use red ink to finalize the penciled-in number.

■ **capital letter**

The publication database contractor will make sure that each claim begins with a capital letter. If it is clear that the claim is otherwise complete, the publication database contractor may if necessary change the first letter from lowercase to uppercase.

However, it would be necessary to return the file to the USPTO via a "printer waiting" **QUERY** if:

- *The claim begins with a lowercase letter and it appears that the beginning of the claim has been omitted.*

■ **one period**

The publication database contractor will make sure that each claim is a single sentence, that each claim ends with a period and that there are no internal periods (aside from the period that appears after the claim number or a period that may appear in a standard abbreviation). No subparagraph should end with a period unless that subparagraph ends the claim.

The file should be returned to the USPTO via a "printer waiting" **QUERY** if:

- *There is no period at the end of the claim.*
- *There is an internal period in a claim, but it cannot be determined with reasonable certainty that the internal period is merely a typographical error.*

Otherwise, if the data base contractor encounters an internal period in a claim and can determine with reasonable certainty that the internal period is merely a typographical error, the data base contractor may change the internal period to a semicolon or a comma, depending upon the punctuation that is otherwise being used in the claim, or may delete the period. A "printer waiting" query is not necessary in this circumstance.

■ independent claim 1

The publication database contractor will make sure that claim 1 is an independent claim.

The file should be returned to the USPTO via a "printer waiting" **QUERY** if:

➡ *Claim 1 is a dependent claim.*

■ no dependency on claim with higher number

The publication database contractor will make certain that no claim is dependent upon a claim with a higher number.

If the USPTO has already penciled in the correct lower number and if the lower number is in accord with the **INDEX OF CLAIMS**, then the publication database contractor may use red ink to finalize the correct lower number.

The file should be returned to the USPTO via a "printer waiting" **QUERY** if:

➡ *A dependent claim refers to a claim with a higher number.*

■ "alternative form" in multiple dependent claims

With respect to a claim that is dependent on two or more claims, the publication database contractor will make sure that the "alternative form" is used—that is, that the claim's wording is in accordance with the ACCEPTABLE MULTIPLE DEPENDENT CLAIM WORDING set forth in MPEP 608.01(n).

The file should be returned to the USPTO via a "printer waiting" **QUERY** if:

➡ *A multiple dependent claim is not phrased in the alternative form.*

■ verification of Print Claim box

The **CLAIMS ALLOWED - Print Claim** box on the face of the file wrapper is the box in which the examiner records the number(s) of the claim(s) that are to be shown in the patent's *Official Gazette* entry. See MPEP 1302.09.

If the **Print Claim** box is blank, the publication database contractor will assume that claim 1 is to be the print claim.

The file should be returned to the USPTO via a "printer waiting" **QUERY** if:

➡ *More than five claim numbers appear in the Print Claim box.*

- *The claim numbers in the **Print Claim** box do not reflect the final renumbering of the claims.*
- *The number of a dependent claim appears in the **Print Claim** box, but the number of the independent claim from which the claim depends is not shown in the **Print Claim** box.*

MPEP 1302.09 says, "A dependent claim should not be selected unless the independent claim on which it depends is also printed." For example, claim 3 depends on claim 1. If the **Print Claim** box shows 3 but does not show 1, then a query is necessary.

- *The number of a multiple dependent claim appears in the **Print Claim** box, but the numbers of the "entire chain of claims for one embodiment" are not shown in the **Print Claim** box.*

MPEP 1302.09 says, "In the case where a multiple dependent claim is selected, the entire chain of claims for one embodiment should be listed." For example, a query would be necessary in the following circumstances:

- **Print Claim** box shows 10
- claim 10 depends on claims 3 and 7
- claim 3 depends on claim 1
- claim 7 depends on claim 5

This means that 1-3-10 is one embodiment chain and 5-7-10 is another embodiment chain. Presumably a query would lead the PTO to change the **Print Claim** box to one of the following:

- **Print Claim** box shows 1, 3, 10
- **Print Claim** box shows 5, 7, 10

Composition

See **25.Overview** and *Appendix E : Style Rules*.

**Section VII. TECHNOLOGY CENTER
(GROUP) ART UNIT
[Grant Red Book Only]**

36. Technology Center (Group) Art Unit [Grant Red Book only]

Data Source

The data source will be the Technology Center (Group) Art Unit (or Art Unit or GAU) that appears on the file wrapper label or PALM bibliographic data sheet.

Pre-Capture Verification

The Technology Center (Group) Art Unit is four numeric characters. No verification is required. The data base contractor will capture the Technology Center (Group) Art Unit that appears in the data source.

NOTE: The Technology Center (Group) Art Unit is not printed on the composed patent.

Section VIII. APPENDICES

Appendix A

Two-Character Codes for U.S. States and Territories

Alabama	AL
Alaska	AK
American Samoa	AS
Arizona	AZ
Arkansas	AR
California	CA
Colorado	CO
Connecticut	CT
Delaware	DE
District of Columbia	DC
Federated States of Micronesia	FM
Florida	FL
Georgia	GA
Guam	GU
Hawaii	HI
Idaho	ID
Illinois	IL
Indiana	IN
Iowa	IA
Kansas	KS
Kentucky	KY
Louisiana	LA
Maine	ME
Marshall Islands	MH
Maryland	MD
Massachusetts	MA
Michigan	MI
Minnesota	MN

Appendix A
Two-Character Codes for U.S. States and Territories

Mississippi	MS
Missouri	MO
Montana	MT
Nebraska	NE
Nevada	NV
New Hampshire	NH
New Jersey	NJ
New Mexico	NM
New York	NY
North Carolina	NC
North Dakota	ND
Ohio	OH
Oklahoma	OK
Oregon	OR
Pennsylvania	PA
Puerto Rico	PR
Rhode Island	RI
South Carolina	SC
South Dakota	SD
Tennessee	TN
Texas	TX
U.S. Minor Outlying Islands	UM
Utah	UT
Vermont	VT
Virginia	VA
Virgin Islands (U.S.)	VI
Washington	WA
West Virginia	WV
Wisconsin	WI
Wyoming	WY

Appendix B

Two-Character Codes for Countries and Intergovernmental Organizations

A

Afghanistan	AF
African Intellectual Property Organization (OAPI)	OA
African Regional Industrial Property Organization (ARIPO)	AP
Albania	AL
Algeria	DZ
Andorra	AD
Angola	AO
Anguilla	AI
Antarctica	AQ
Antigua and Barbuda	AG
Arab States of the Gulf, Patent Office of the Cooperation Council for the (GCC Patent Office)	GC
Argentina	AR
Armenia	AM
Aruba	AW
Australia	AU
Austria	AT
Azerbaijan	AZ

B

Bahamas	BS
Bahrain	BH
Bangladesh	BD
Barbados	BB
Belarus	BY
Belgium	BE

Appendix B

Two-Character Codes for Countries and Intergovernmental Organizations

Belize	BZ
Benelux Trademark Office (BBM) and Benelux Designs Office (BBDM)	BX
Benin	BJ
Bermuda	BM
Bhutan	BT
Bolivia	BO
Bosnia and Herzegovina	BA
Botswana	BW
Bouvet Island	BV
Brazil	BR
British Indian Ocean Territory	IO
Brunei Darussalam	BN
Bulgaria	BG
Burkina Faso	BF
Burundi	BI

C

Cambodia	KH
Cameroon	CM
Canada	CA
Cape Verde	CV
Cayman Islands	KY
Central African Republic	CF
Chad	TD
Chile	CL
China	CN
Christmas Island	CX
Cocos (Keeling) Islands	CC
Colombia	CO

Appendix B

Two-Character Codes for Countries and Intergovernmental Organizations

Community Plant Variety Office (CPVO)	QZ
Comoros	KM
Congo	CG
Congo, Democratic Republic of the	CD
Cook Islands	CK
Costa Rica	CR
Côte d'Ivoire	CI
Croatia	HR
Cuba	CU
Cyprus	CY
Czech Republic	CZ

D

Denmark	DK
Djibouti	DJ
Dominica	DM
Dominican Republic	DO

E

East Timor	TP
Ecuador	EC
Egypt	EG
El Salvador	SV
Equatorial Guinea	GQ
Eritrea	ER
Estonia	EE
Ethiopia	ET
Eurasian Patent Organization (EAPO)	EA
European Community Trademark Office [see <i>Office for Harmonization in the Internal Market (OHIM)</i>]	—
European Patent Office (EPO)	EP

Appendix B

Two-Character Codes for Countries and Intergovernmental Organizations

F

Falkland Islands (Malvinas)	FK
Faroe Islands	FO
Fiji	FJ
Finland	FI
France	FR
French Guiana	GF
French Polynesia	PF
French Southern Territories	TF

G

Gabon	GA
Gambia (The Gambia)	GM
GCC Patent Office [see <i>Arab States of the Gulf, Patent Office of the Cooperation Council for the</i>]	—
Georgia	GE
Germany	DE
Ghana	GH
Gibraltar	GI
Greece	GR
Greenland	GL
Grenada	GD
Guadeloupe	GP
Guatemala	GT
Guinea	GN
Guinea-Bissau	GW
Guyana	GY

Appendix B

Two-Character Codes for Countries and Intergovernmental Organizations

H

Hague Agreement Concerning the International Deposit of Industrial Designs [per WIPO Standard ST.3, Page 3.3.5, Endnote 6]	WO
Haiti	HT
Heard Island and McDonald Islands	HM
Holy See (Vatican City State)	VA
Honduras	HN
Hong Kong Special Administrative Region of the People's Republic of China, The	HK
Hungary	HU

I

Iceland	IS
India	IN
Indonesia	ID
Iran, Islamic Republic of	IR
Iraq	IQ
Ireland	IE
Israel	IL
Italy	IT

J

Jamaica	JM
Japan	JP
Jordan	JO

K

Kazakhstan	KZ
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Kenya	KE
Kiribati	KI

Appendix B

Two-Character Codes for Countries and Intergovernmental Organizations

Korea, Democratic People's Republic of	KP
Korea, Republic of	KR
Kuwait	KW
Kyrgyzstan (Kyrgyz Republic)	KG

L

Lao People's Democratic Republic	LA
Latvia	LV
Lebanon	LB
Lesotho	LS
Liberia	LR
Libyan Arab Jamahiriya	LY
Liechtenstein	LI
Lithuania	LT
Luxembourg	LU

M

Macau	MO
Macedonia, The Former Yugoslav Republic of	MK
Madagascar	MG
Malawi	MW
Malaysia	MY
Maldives	MV
Mali	ML
Malta	MT
Martinique	MQ
Mauritania	MR
Mauritius	MU
Mayotte	YT

Mexico	MX
Moldova, Republic of	MD

Appendix B

Two-Character Codes for Countries and Intergovernmental Organizations

Monaco	MC
Mongolia	MN
Montserrat	MS
Morocco	MA
Mozambique	MZ
Myanmar	MM

N

Namibia	NA
Nauru	NR
Nepal	NP
Netherlands	NL
Netherlands Antilles	AN
New Caledonia	NC
New Zealand	NZ
Nicaragua	NI
Niger	NE
Nigeria	NG
Niue	NU
Norfolk Island	NF
Northern Mariana Islands	MP
Norway	NO

O

Office for Harmonization in the Internal Market (Trademarks and Designs) (OHIM)	EM
Oman	OM

P

Pakistan

PK

Appendix B

Two-Character Codes for Countries and Intergovernmental Organizations

Palau

PW

Panama

PA

Papua New Guinea

PG

Paraguay

PY

Peru

PE

Philippines

PH

Pitcairn

PN

Poland

PL

Portugal

PT

Q

Qatar

QA

R

Reunion

RE

Romania

RO

Russian Federation

RU

Rwanda

RW

S

Saint Helena

SH

Saint Kitts and Nevis

KN

Saint Lucia

LC

Saint Pierre and Miquelon

PM

Saint Vincent and the Grenadines

VC

Samoa

WS

San Marino

SM

Sao Tome and Principe

ST

Saudi Arabia

SA

Senegal	SN
Serbia and Montenegro	YU
Seychelles	SC

Appendix B

Two-Character Codes for Countries and Intergovernmental Organizations

Sierra Leone	SL
Singapore	SG
Slovakia (Slovak Republic)	SK
Slovenia	SI
Solomon Islands	SB
Somalia	SO
South Africa	ZA
South Georgia and the South Sandwich Islands	GS
Spain	ES
Sri Lanka	LK
Sudan	SD
Suriname	SR
Svalbard and Jan Mayen	SJ
Swaziland	SZ
Sweden	SE
Switzerland	CH
Syrian Arab Republic	SY

T

Taiwan	TW
Tajikistan	TJ
Tanzania, United Republic of	TZ
Thailand	TH
Togo	TG
Tokelau	TK
Tonga	TO
Trinidad and Tobago	TT
Tunisia	TN

Turkey	TR
Turkmenistan	TM
Turks and Caicos Islands	TC

Appendix B

Two-Character Codes for Countries and Intergovernmental Organizations

Tuvalu	TV
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U

Uganda	UG
Ukraine	UA
United Arab Emirates	AE
United Kingdom	GB
United States	US
Uruguay	UY
Uzbekistan	UZ

V

Vanuatu	VU
Vatican City State (Holy See) [<i>see Holy See</i>]	—
Venezuela	VE
Viet Nam	VN
Virgin Islands (British)	VG

W

Wallis and Futuna Islands	WF
West Bank/Gaza	PS
Western Sahara	EH
World Intellectual Property Organization (WIPO) [per WIPO Standard ST.3, Page 3.3.5, Endnote 6]	WO

Y

Yemen	YE
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Yugoslavia [*see Serbia and Montenegro*]

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Appendix B

Two-Character Codes for Countries and Intergovernmental Organizations

Z

Zambia

ZM

Zimbabwe

ZW

Appendix C

Foreign City “Print Version” List

This list is a selection of foreign city name variants that may appear in the data source, showing each name as it should be printed for inventor data and assignee data.

print version

A

Al-Iskandariyah	(Egypt)	Alexandria
Al-Qahirah	(Egypt)	Cairo
Al-Quds	(Israel)	Jerusalem
Antwerpen	(Belgium)	Antwerp
Anvers	(Belgium)	Antwerp
Athenai	(Greece)	Athens
Athinai	(Greece)	Athens

B

Bagdad	(Iraq)	Baghdad
Baile Atha Cliath	(Ireland)	Dublin
Bale	(Switzerland)	Basel
Banaras	(India)	Benares
Basle	(Switzerland)	Basel
Bayrut	(Lebanon)	Beirut
Beograd	(Yugoslavia)	Belgrade
Beyrouth	(Lebanon)	Beirut
Brugge	(Belgium)	Bruges
Brussel	(Belgium)	Brussels
Bruxelles	(Belgium)	Brussels
Bucuresti	(Romania)	Bucharest

C

Chiu-Lung	(Hong Kong ... PRC)	Kowloon
Coblentz	(Germany)	Koblenz

Coeln	(Germany)	Cologne
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Appendix C Foreign City “Print Version” List

print version

Coln	(Germany)	Cologne
Constanz	(Germany)	Constance
Cordoba	(Spain)	Cordova
Ciudad de Mexico	(Mexico)	Mexico City

D

Dar-al-Baida	(Morocco)	Casablanca
Dar el Beida	(Morocco)	Casablanca
Dehli	(India)	Delhi
Den Haag	(Netherlands)	The Hague
Derry	(Northern Ireland ... UK)	Londonderry
Dhaka	(Bangladesh)	Dacca
Dilli	(India)	Delhi
Djakarta	(Indonesia)	Jakarta
Dunkerque	(France)	Dunkirk

F

Fas	(Morocco)	Fes
Fez	(Morocco)	Fes
Firenze	(Italy)	Florence
Frankfort	(Germany)	Frankfurt
Frankfort on the Main	(Germany)	Frankfurt am Main
Frankfurt a.d. Oder	(Germany)	Frankfurt an der Oder
Frankfurt/Main	(Germany)	Frankfurt am Main
Frankfurt/Oder	(Germany)	Frankfurt an der Oder
Frankfurt on the Oder	(Germany)	Frankfurt an der Oder

G

Gand	(Belgium)	Ghent
Geneve	(Switzerland)	Geneva
Genf	(Switzerland)	Geneva
Genova	(Italy)	Genoa
Gent	(Belgium)	Ghent

Ginevra	(Switzerland)	Geneva
Goteborg	(Sweden)	Gothenburg

Appendix C Foreign City “Print Version” List

print version

H

Helsingfors	(Finland)	Helsinki
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I

Ieper	(Belgium)	Ypres
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K

Kaulun	(Hong Kong ... PRC)	Kowloon
Kaulung	(Hong Kong ... PRC)	Kowloon
Kharkiv	(Ukraine)	Kharkov
Khartum	(Sudan)	Khartoum
Kioto	(Japan)	Kyoto
Kiulung	(Hong Kong ... PRC)	Kowloon
Kiyev	(Ukraine)	Kiev
Kiyiv	(Ukraine)	Kiev
Kobenhavn	(Denmark)	Copenhagen
Koeln	(Germany)	Cologne
Koln	(Germany)	Cologne
Konstanz	(Germany)	Constance
Korinthos	(Greece)	Corinth
Krakau	(Poland)	Cracow
Krakow	(Poland)	Cracow
Krung Thep	(Thailand)	Bangkok

L

La Habana	(Cuba)	Havana
Leipsic	(Germany)	Leipzig
Lisboa	(Portugal)	Lisbon
L’Isle	(France)	Lille
Lisle	(France)	Lille

Livorno	(Italy)	Leghorn
Luxemburg	(Luxembourg)	Luxembourg
Luzern	(Switzerland)	Lucerne
Lyon	(France)	Lyons

Appendix C Foreign City “Print Version” List

print version

M

Maestricht	(Netherlands)	Maastricht
Manaos	(Brazil)	Manaus
Marakesh	(Morocco)	Marrakesh
Marrakech	(Morocco)	Marrakesh
Marseille	(France)	Marseilles
Matsuye	(Japan)	Matsue
Mexico, D.F. [Distrito Federal]	(Mexico)	Mexico City
Milano	(Italy)	Milan
Mogadiscio	(Somalia)	Mogadishu
Moskva	(Russian Federation)	Moscow
Muenchen	(Germany)	Munich
Munchen	(Germany)	Munich

N

Napoli	(Italy)	Naples
Nuernberg	(Germany)	Nuremberg
Nurnberg	(Germany)	Nuremberg

O

Oostende	(Belgium)	Ostend
Ostende	(Belgium)	Ostend

P

Padova	(Italy)	Padua
Peiping	(China)	Beijing
Peking	(China)	Beijing
Piraeus	(Greece)	Piraeus
Porto	(Portugal)	Oporto
Prag	(Czech Republic)	Prague
Praha	(Czech Republic)	Prague

Appendix C
Foreign City “Print Version” List

print version

R

Rheims	(France)
Rio	(Brazil)
Roma	(Italy)

Reims
Rio de Janeiro
Rome

S

Saarburg	(France)
Saida	(Lebanon)
Saloniki	(Greece)
Sarrebruck	(Germany)
Sayda	(Lebanon)
Sevilla	(Spain)
s’Gravenhage	(Netherlands)
Siracusa	(Italy)
Sofiya	(Bulgaria)
Sophia	(Bulgaria)

Sarrebourg
Sidon
Salonika
Saarbrücken
Sidon
Seville
The Hague
Syracuse
Sofia
Sofia

T

Taichu	(Taiwan)
T’ai-chung	(Taiwan)
T’ai-pei	(Taiwan)
Tanger	(Morocco)
Tangiers	(Morocco)
Teheran	(Iran)
Tel Aviv-Yafo	(Israel)
Thessaloniki	(Greece)
Tiflis	(Georgia)
Tokio	(Japan)
Torino	(Italy)

Taichung
Taichung
Taipei
Tangier
Tangier
Tehran
Tel Aviv-Jaffa
Salonika
Tbilisi
Tokyo
Turin

V

Valetta	(Malta)
Varanasi	(India)

Valetta
Benares

Venezia	(Italy)	Venice
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Appendix C
Foreign City “Print Version” List

print version

W

Warschau	(Poland)	Warsaw
Warszawa	(Poland)	Warsaw
Wien	(Austria)	Vienna

Y

Yerushalayim	(Israel)	Jerusalem
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Z

Zagrab	(Croatia)	Zagreb
Zaragoza	(Spain)	Saragossa
Zidon	(Lebanon)	Sidon
Zuerich	(Switzerland)	Zurich

Appendix D

WIPO STANDARD ST.10/C

This appendix shows application formats for various countries and treaty organizations. The appendix consists of the following two tables from the February 2004 version of World Intellectual Property Organization Standard ST.10/C, **PRESENTATION OF BIBLIOGRAPHIC DATA COMPONENTS:**

TABLE I COUNTRIES OR ORGANIZATIONS HAVING ANNUAL
SERIES OF APPLICATION NUMBERS

TABLE II COUNTRIES OR ORGANIZATIONS HAVING OTHER
THAN ANNUAL NUMBERING SYSTEMS

TABLE I COUNTRIES OR ORGANIZATIONS HAVING ANNUAL SERIES OF APPLICATION NUMBERS

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
AM ARMENIA	P20020142	P20020142	20020142	P = letter code characterizing a patent application number. The first four digits indicate the year of filing of the application.
	U20020140	U20020140	20020140 U	U = letter code characterizing a utility model application number. The first four digits indicate the year of filing of the application.
AR ARGENTINA	P950103456	P950103456	P950103456	Numbering system used for applications filed starting November 1, 1995. P = letter code characterizing a patent application number. The first two digits indicate the last two digits of the year of filing of the application (ex.: 95 for the year 1995). The third and fourth digits indicate the receiving office code (ex.: 01). The last five digits represent an annual serial number assigned to the application.
	M950103456	M950103456	M950103456	M = letter code characterizing a utility model application number. The first two digits indicate the last two digits of the year of filing of the application (ex.: 95 for the year 1995). The third and fourth digits indicate the receiving office code (ex.: 01). The last five digits represent an annual series number assigned to the application.
AT AUSTRIA	A 1234/95 (old numbering system used until December 1999)	A 1234/95	1234/95	
	GM 123/95 (old numbering system used until December 1999)	GM 123/95	123/95 U	

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
AT (cont'd)	A 733/2003 (new numbering system commencing on January 1, 2000) GM158/2003 (new numbering system commencing on January 1, 2000)	A 733/2003 GM158/2003	A 733/2003 GM158/2003	A = letter code characterizing a patent application number. GM = letter code characterizing a utility model application number. An annual number sequence in ascending order starting with 1 is used both for patent applications and utility model applications.
AU AUSTRALIA	2002901123 (new numbering system commencing on July 05, 2002) 2002200345 (new numbering system commencing on July 05, 2002) 2001100123 (new numbering system commencing on May 24, 2001)	2002901123 2002200345 2001100123	2002901123 2002200345 2001100123	Provisional applications are given a 10-figure application number. The first four digits indicate the year of filing. The fifth digit "9" indicates that the filing is that of a provisional patent application. Digits in positions 6 to 10 are the allocated application number in the range 00000-99999. Standard applications are given a 10-figure application number. The first four digits indicate the year of filing. The fifth digit is in the range of "2-7" and indicates that the filing is that of a standard patent application. Digits in positions 6 to 10 are the allocated application number in the range 00000-99999. Innovation applications are given a 10-figure application number. The first four digits indicate the year of filing. The fifth digit "1" indicates that the filing is that of an innovation patent application. Digits in positions 6 to 10 are the allocated application number in the range 00000-99999.
AZ AZERBAIJAN	92/123456 a 2002 0001	92/123456 a 2002 0001	92/123456 a 2002 0001	Numbering system used from 1992 to 1999. The first two numbers before the slash indicate the year of filing of the application. a – letter code characterizing a patent application number. The first four digits indicate the year of filing of the application.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
	u 2002 0001	u 2002 0001	u 2002 0001	u – letter code characterizing a utility model application number. The numbering system was introduced on January 1, 2000.
BE BELGIUM	9200547 2000/0624	9200547 2000/0624	9200547 2000/0624	<p>Numbering system used for all applications filed between January 1, 1987, and December 31, 1999.</p> <p>Continuous numbering system according to the filing date; the first two digits indicate the last two numbers of the year of filing of the application.</p> <p>Numbering system used for all applications filed since January 10, 2000.</p> <p>The first four digits indicate the year according to the Gregorian calendar. The last four digits are issued in ascending order based on the filing date of the application.</p>
BR BRAZIL	10432/72 (old numbering system) PI 8300014–3 (new numbering system) MU 6100132–2	10432/72 8300014 6100132	10432/72 8300014 6100132 U	<p>Numbering system used from 1972 to 1975.</p> <p>Numbering system introduced in 1975. The letters preceding the number denote the type of industrial property right:</p> <p>PI = invention; MU = utility model.</p>
BR (cont'd)				The first two digits indicate the last two numbers of the year of filing of the application and the type of industrial property right. The first digit denotes the number of the decade minus a control digit which is different for various kinds of documents, e.g., for PI-0, MU-2. Digits in positions 3 to 7 denote the serial number of the application given by the Brazilian Office. The digit in the last position is an error control digit.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
BY BELARUS	961234 (old numbering system) a 20031234 u 20031234 (new numbering system)	961234 a 20031234 u 20031234	961234 a 20031234 u 20031234	Numbering system for patent applications. The first two digits indicate the last two numbers of the year of filing of the application. Used until the end of 1997. Numbering system as of January 1, 1998. a = letter code indicating a patent application. u = letter code indicating a utility model application. The first four digits indicate the year of filing of the application. The last four digits indicate the serial number of the application.
CH SWITZERLAND	01234/96-2	1234/96	1234/96	The two digits after the slash indicate the last two numbers of the year of filing of the application. The figure after the dash is a check digit.
CS CZECHOSLOVAKIA⁽¹⁾	PV 3628-72	3628-72	3628-72 or 3628/72	PV is an abbreviation meaning "application for protection of an invention".
CU CUBA	1/85 (new numbering system)	1/85	1/85	As of 1985 an annual numbering system for applications is used. The two digits following the slash represent the last two digits of the year of filing of the application.
DE GERMANY	 195 00 002.1 295 00 001.5 589 00 001.2 689 00 001.4	 195 00 002 295 00 001 589 00 001 689 00 001	 195 00 002.1 295 00 001 U	Old numbering system: The numerals in the second and third positions indicate the year of filing. The numerals in the first position indicate the industrial property rights. 1 = national patent applications, PCT applications in the national phase and applications for SPCs (used from 1995 to 2003). 2 = Utility model applications and topographies (used from 1995 to 2003). 5 = Patents granted by the EPO, filed in German (used for applications filed with the EPO as of 1989). 6 = Patents granted by the EPO, filed in English or French (used for applications filed with the EPO as of 1989).

⁽¹⁾ Ceased to exist on December 31, 1992.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
	10 2004 000 001.7 20 2004 000 001.3 50 2004 000 001.4 60 2004 000 001.9	10 2004 000 001 20 2004 000 001 50 2004 000 001 60 2004 000 001	10 2004 000 001 20 2004 000 001 U	<p>The last digit in position 9 after the dot is a check digit.</p> <p>New numbering system (as of 2004):</p> <p>Pos. 1-2: type of IP right</p> <p>10 = DE patent application. 11 = PCT patent application in the national phase. 12 = SPC application</p> <p>20 = Utility models 21 = Utility models resulting from PCT applications 22 = topographies</p> <p>50 = Patents granted by EPO, filed in German 60 = Patents granted by EPO, filed in English or French</p> <p>Pos. 3-6: year of filing Pos. 7-12: serial number Pos. 13: check digit</p>
DK DENMARK	2986/68 (old numbering system) 9500242 (old numbering system) PA 1998 01234 BA 1998 00123	2986/68 9500242 PA 1998 01234 BA 1998 00123	2986/68 9500242 U 1998 01234 1998 00123 U	<p>Numbering system for patent applications. The two digits after the slash indicate the last two numbers of the year of filing of the application. Used until the end of 1997.</p> <p>Numbering system for utility model applications. The first two digits indicate the last two numbers of the year of filing of the application. Used until the end of 1997.</p> <p>New numbering system as of 1998 whereby the letters PA indicate a patent application and BA a utility model application. The numerals in the third to sixth positions represent the year of filing of the application and the last five numerals represent a serial number assigned to the application.</p> <p>The letter codes PA and BA do not appear on the first pages of the published documents.</p>
EC ECUADOR	SP 94-1046 SMU.94-033	94-1046 SMU.94-033	94-1046 or 94/1046 94-033 U	The first two digits indicate the last two numbers of the year of filing of the patent or utility model application.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
EE ESTONIA	P 200300001 U 200300001	200300001 200300001	200300001 200300001 U	Numbering system introduced in 1994. P = letter code indicating a patent application number. U = letter code indicating utility model application number. The first four digits indicate the year of filing of the application. Digits in positions 5 to 9 denote the serial number of the application given by the receiving office.
EG EGYPT	541/88 (old numbering system) 1996010001 (new numbering system)	541/88 1996010001	541/88 1996010001	Numbering system used for patent applications. The two digits after the slash represent the last two digits of the year of filing of the application. In the new numbering system, the year and month of filing of the application are indicated in positions 1 to 6 (e.g., January 1996 in the sample). Digits in positions 7 to 10 denote the serial number of the application.
EP EUROPEAN PATENT OFFICE	79100953.3	79100953	79100953	The first two digits indicate the last two numbers of the year of filing of the application. The third and fourth digits denote the place of filing. Digits in positions 5 to 8 denote the serial number of the application given by the receiving office. The digit in the last position is an error check digit.
ES SPAIN	P 880202 9 (0) (numbering system used until the year 2000) U 8900627 (5) (numbering system used until the year 2000) P 200100123 (1) U 200100123 (1) P 200150001 (7) U 200150001 (7)	8802029 8900627 200100123 200100123 200150001 200150001	8802029 8900627 U 200100123 200100123 U 200150001 200150001 U	This application numbering system for patents and utility models was introduced in 1986. The letters P and U denote the type of industrial property right: P = patent for invention, U = utility model. The first two digits indicate the last two numbers of the year of filing of the application. The digit in parentheses is used for computer control. Since the year 2000, the first four digits represent the year of filing of the application. Since the year 2000, for national applications for both patents and utility models filed for the entry into the national phase of a PCT international application. The first four digits indicate the year of filing of the application and the fifth digit is always a 5.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
FI FINLAND	3032/73 (old numbering system)	3032/73	3032/73	Old numbering system
	834567 (old numbering system)	834567	834567	Numbering system introduced on January 1, 1975. The first two digits indicate the last two numbers of the year of filing of the application.
	20031234 (new numbering system)	20031234	20031234	New numbering system introduced on July 25, 1999. The first four digits indicate the number of the year of filing of the application.
	U951234 (old numbering system)	951234	951234 U	Utility models: the first two digits indicate the last two numbers of the year of filing of the application.
FI (cont'd)	U20031234 (new numbering system)	20031234	20031234 U	Utility model: New numbering system introduced on July 25, 1999. The first four digits indicate the number of the year of filing of the application.
FR FRANCE	73.19342	73.19342	73.19342	Old style of presentation. Numbering system introduced for patent applications filed as of January 1969.
	96 11800	96 11800	96 11800	Deletion of the intermediary full stop from this number onwards. The number is composed of the last two figures of the year followed by a five-figure serial number (annual series). This number is the "national registration number" allocated upon filing of an application which then also constitutes the number of the granted patent. <i>Note:</i> in the databases, the space after the year digits is deleted.
GB UNITED KINGDOM	41352/70 (old numbering system)	41352/70	41352/70	Numbering system according to the old 1949 Patents Act.
	8015674 (new numbering system)	8015674	8015674	New numbering system introduced according to the new 1977 Patents Act. The first two digits of the number represent the last two digits of the year of filing of the application.
GR GREECE	960100177 960200188	960100177 960200188	960100177 960200188 U	Numbering system introduced on January 1, 1988. The first two digits of the number represent the last two digits of the year of filing of the application.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
ID INDONESIA	P00200300001 S00200300001 W00200300001	P00200300001 S00200300001 W00200300001		P = letter code characterizing a patent application number. The first two digits indicate the code of the branch office; the second four digits indicate the year of filing of the application. S = letter code characterizing a Simple Patent application. W = letter code characterizing a PCT application (DO).
IE IRELAND	1152/69 920002 S922656 2000/0123 (new numbering system) S2001/0311	1152/69 920002 S922656 2000/0123 S2001/0311	1152/69 920002 S922656 2000/0123 S2001/0311	Numbering system used until the end of 1991. Numbering system applied from January 1, 1992, to December 31, 1999. The first two digits of the number represent the last two digits of the year of filing of the application and the remaining digits constitute a rising annual series with leading zeros. Short-term applications are distinguished from standard applications by prefixing their numbers with the letter "S". This applies to all such applications since their introduction on August 1, 1992. Numbering system introduced on January 1, 2000. The first four digits of the number represent the year of filing of the application and the last four digits constitute a rising annual series with leading zeros. This new system also applies to short-term applications; i.e., with the addition of the prefix "S".
IN INDIA	643/58	643/58	643/58	—
IT ITALY	19001 A/73 20401 B/73 (until December 31, 1990)	19001 A/73 20401 B/73	19001/73 20401/73 U	A = letter code characterizing a patent application. B = letter code characterizing a utility model application. Patent applications and utility model applications are numbered in parallel series. The letter is essential for identifying the applications.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
IT (cont'd)	MI91A000231 MI94U000225 (as of January 1, 1991)	MI91A0231 MI94U0225	MI91A0231 MI940225 U	<p>Each year a block of application numbers was allotted to each of the 93 provincial bureaus (UPICA) where patent applications can be filed. In 1973, 90,000 numbers were distributed for patent applications whereas a total of 30,000 applications was expected to be filed, and 70,000 numbers were distributed for utility model applications. As a result the number series contains about 100 gaps.</p> <p>MI = two-letter code of the Provincial Office for Industry, Commerce and Handicraft (<i>Ufficio Provinciale Industria, Commercio e Artigianato—UPICA</i>) where the application was filed (e.g., MI stands for Milan).</p> <p>91 and 94 = last two digits of the year of filing of the application.</p> <p>A = letter code characterizing a patent application and U a utility model application. (C = trademark application, O = ornamental model or multiple filing.)</p> <p>000231 and 000225 = current numbers. Each UPICA starts its own annual numbering series for each kind of application every year with the number 1; there are about 100 numbering series for patent applications, and both the application code and the UPICA code are essential for correct identification.</p>
JP JAPAN	特願昭 46-69807 特願平 3-180893	46-69807 3-180893	46-69807 or 46/69807 3-180893 or 3/180893	<p>The first two symbols characterize a patent application. The third symbol relates to the Emperor's reign.</p> <p>The first two digits (before the dash) indicate the year of the Emperor's reign in which the application was filed. Number 46 refers to the SHOWA era and indicates the year 1971.</p> <p>The second example shows a patent application filed under the HEISEI era, which started in 1989, and indicates, with the figure 3, the filing year 1991.</p>

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
JP (cont'd)	実願平 5-55143	5-55143	5-55143 U or 5/55143 U	The first two symbols characterize a utility model application. The third symbol relates to the Emperor's reign. The first digit (before the dash) indicates the year of the Emperor's reign in which the application was filed. Digit 5 refers to the HEISEI era and indicates the year 1993.
	特願 2000-312828	2000-312828	2000-312828 or 2000/312828	The first two symbols characterize a patent application. The first four digits (before the hyphen) indicate the year of filing of the patent application. New numbering system was introduced on January 1, 2000.
	実願 2001-8488	2001-8488	2001-8488 U or 2001/8488 U	The first two symbols characterize a utility model application. The first four digits (before the hyphen) indicate the year of filing of the utility model application. New numbering system was introduced on January 1, 2000.
KE KENYA	KE/P/92/00065 KE/UM/93/00001	92/00065 93/00001	92/00065 93/00001	Application numbers for patents and utility models consist of the country code, a slash, letter P indicating that it is an application for a patent (or letters UM indicating that it is an application for a utility model certificate), a slash, a two-digit indication of the year in which the application was first filed in Kenya, a slash and a five-digit number allotted in sequential order.
KG KYRGYZSTAN)	950012.1 950009.2 (old numbering system) 20030016.1 20030003.2 (new numbering system)	950012.1 950009.2 20030016.1 20030003.2	950012 950009 U 20030016 20030003 U	Old numbering system used until the end of 1999. New numbering system used as of January 1, 2000. The first four digits indicate the application year. The next four digits indicate the serial number of the application. The figure after the dot, indicates the type of industrial property right (1 = invention patent, 2 = utility model).
KP DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	03-1234 (numbering system until the end of 2003)	03-1234	03-1234	The first two digits indicate the last two numbers of the year of filing of the application. The four digits following the dash indicate the serial number of the application.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
	1-04-012345 2-04-012345 (new numbering system as of January 2004)			The first digit indicates the type of industrial property right: 1 = patent; 2 = utility model. The two digits following the second dash indicate the serial number of the application.
KR REPUBLIC OF KOREA	특허 95-012345 (old numbering system) or 특 1995-012345	95-012345	95-012345	Old numbering system used until the end of 1998. The two Korean letters denote the type of industrial property right: 특허 = patent 실용 = utility model The two digits before the dash represent the last two numbers of the year of filing of the application. The last six digits indicate the serial number of the application.
	특허 95-701234 or 특 1995-701234	95-701234	95-701234	The numeral 7 following the dash indicates a PCT application.
	실용 95-012345 or 실 1995-012345	95-012345	95-012345 U	실용 is a Korean letter indicating a utility model. The letter code U also represents a utility model.
	실용 95-701234 or 실 1995-701234	95-701234	95-701234 U	The numeral 7 following the dash indicates a PCT application.
KR (cont'd)	10-2002-0123456 (new numbering system)	10-2002-0123456	10-2002-0123456	Numbering system introduced on January 1, 1999. The first two digits indicate the type of industrial property right: 10 = patent; 20 = utility model; 30 = industrial design; 40 to 75 = trademark.
	10-2002-7012345	10-2002-7012345	10-2002-7012345	The four digits following the first dash indicate the year of the patent application and the last seven digits indicate the serial number of the application.
	20-2002-0123456	20-2002-0123456	20-2002-0123456	The numeral 7 following the second dash indicates a PCT application.
	20-2002-7012345	20-2002-7012345	20-2002-7012345	The first two digits "20" indicate a utility model. The numeral 7 following the second dash indicates a PCT application.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
KZ KAZAKHSTAN	951117.1 95025.2 2002/016.2	951117.1 95025.2 2002/016	951117 95025 U 2002/016 U	<p>The first two digits designate the last two numbers of the year of filing of the application.</p> <p>The group of digits following the year of filing of the application and comprising three or four digits represents the sequential number of the application for a utility model or an invention. The digit after the full stop is a control digit which indicates the type of industrial property right: 1 = patent for invention, 2 = utility model.</p> <p>The first four digits indicate the year of filing of the application. The digit after the full stop is a control digit which indicates the type of industrial property right. "2" means utility model application.</p>
LS LESOTHO	LS/P/03/00001 LS/UM/02/00001	03/00001 02/00001	03/00001 02/00001	Application numbers for patents and utility models consist of: the country code; a slash; letter P indicating that it is a patent application, or UM indicating that it is a utility model certificate application; a slash; a two-digit indication of the year in which the application was first filed in Lesotho; a slash; and a five-digit number allotted in sequential order.
LT LITHUANIA	95-014 2000 061	95-014 2000 061	95-014 2000 061	<p>Numbering system introduced on January 1, 1995.</p> <p>The first two digits (before the dash) indicate the last two numbers of the year of filing of the patent application.</p> <p>Numbering system introduced on January 1, 2000.</p> <p>The first four digits (before the space) indicate the year of filing the patent application.</p>
MD REPUBLIC OF MOLDOVA	94-0287 (until December 31, 1999)	94-0287	94-0287	<p>The first two digits (before the dash) indicate the year of filing of the patent application.</p> <p>The four digits following the dash denote the serial number of the application.</p>

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
	a 2001 0147 (as of January 1, 2000)	a 2001 0147	2001 0147	a – letter code characterizing a patent application
	u 20010058 (as of January 1, 2000)	u 2001 0058	2001 0058 U	u – letter code characterizing a utility model application
				Patent applications and utility model applications are numbered in parallel series each starting its own annual numbering series every year with number 1.
				The letter is essential for identifying the applications.
				The first four digits indicate the year of filing of the application.
				The next four digits after the space indicate the serial number of the application.
MG MADAGASCAR	94001	94001	94001	Numbering system used from 1994 to 1999.
	2000/001	2000/001	2000/01	The first two digits indicate the last two numbers of the year of filing of the application followed by a three-digit number allotted in sequential order.
				Numbering system introduced in January 2000.
				The first four digits indicate the year of filing of the application followed by a three-digit number allotted in sequential order.
MK THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	II 104/93	II 104/93	104/93	The letter code preceding the number denotes the type of industrial property right (II = patent for invention, as well as plant patent). The figure before the slash represents the serial number. The last two digits indicate the year of filing of the application.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
MX MEXICO	GT/a/2003/000001 GT/f/2003/001234 GT/t/2003/000321 GT/u/2003/123456 JL/a/2003/000001 JL/f/2003/001234 JL/t/2003/000321 JL/u/2003/123456 NL/a/2003/000001 NL/f/2003/001234 NL/t/2003/000321 NL/u/2003/123456 PA/a/2003/000001 PA/f/2003/001234 PA/t/2003/000321 PA/u/2003/123456 YU/a/2003/000001 YU/f/2003/001234 YU/t/2003/000321 YU/u/2003/123456	GT/a/2003/000001 GT/f/2003/001234 GT/t/2003/000321 GT/u/2003/123456 JL/a/2003/000001 JL/f/2003/001234 JL/t/2003/000321 JL/u/2003/123456 NL/a/2003/000001 NL/f/2003/001234 NL/t/2003/000321 NL/u/2003/123456 PA/a/2003/000001 PA/f/2003/001234 PA/t/2003/000321 PA/u/2003/123456 YU/a/2003/000001 YU/f/2003/001234 YU/t/2003/000321 YU/u/2003/123456	GT/a/2003/000001 GT/f/2003/001234 GT/t/2003/000321 GT/u/2003/123456 JL/a/2003/000001 JL/f/2003/001234 JL/t/2003/000321 JL/u/2003/123456 NL/a/2003/000001 NL/f/2003/001234 NL/t/2003/000321 NL/u/2003/123456 PA/a/2003/000001 PA/f/2003/001234 PA/t/2003/000321 PA/u/2003/123456 YU/a/2003/000001 YU/f/2003/001234 YU/t/2003/000321 YU/u/2003/123456	<p>Numbering system introduced on January 1, 2000. The old numbering systems were changed to be compliant with the new numbering scheme.</p> <p>The application number is composed of four elements, which represent the minimum significant part of the application number, as described below:</p> <ol style="list-style-type: none"> two alphanumeric characters in capital letters to indicate the receiving office of the application: <ul style="list-style-type: none"> “GT” for the Regional Office of Zona Bajío (León, Guanajuato); “JL” for the Regional Office of Zona Occidente (Zapopan, Jalisco); “NL” for the Regional Office of Zona Norte (Monterrey, Nuevo León); “PA” for the Central Office (México, Federal District); “YU” for the regional Office of Zona Sureste (Mérida, Yucatán). one alphanumeric character in lower case letter to indicate the type of industrial property right application: <ul style="list-style-type: none"> “a” for patent applications; “f” for industrial design or model applications; “t” for applications for layout-designs (topographies) of integrated circuits; “u” for utility model applications.
MX (cont'd)				<ol style="list-style-type: none"> four digits to indicate, in compliance with the Gregorian calendar, the year of filing of the application; Examples: 1991, 1999, 2001, 2003 six digits to indicate a sequential number identifying a single application. This sequential number is fixed in length and may be completed by leading zeros, if necessary. Examples: 123456, 000001, 004321. <p>The total number of alphanumeric characters is 13.</p> <p>To facilitate the legibility of the application number, when it is printed, the four elements described above are separated by a slash “/”.</p>

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
NL NETHERLANDS	7015038 (old numbering system)	7015038	7015038	The first two digits indicate the last two numbers of the year of filing of the application. New numbering system introduced on April 1, 1995 (see Table II).
NO NORWAY	1748/70 (old numbering system) 740001 (new numbering system)	1748/70 740001	1748/70 740001	The last two digits indicate the last two numbers of the year of filing of the application. New numbering system introduced on January 1, 1974. The first two digits indicate the last two numbers of the year of filing of the application.
PH PHILIPPINES	1-1998-00001 1-1999-500001 (PCT) 2-1998-00001 2-1999-500001 (PCT) 3-1998-00001	1-1998-00001 1-1998-00001 2-1998-00001 2-1999-500001 3-1998-00001	1-1998-0001 1-1998-00001 2-1998-00001 2-1999-500001 3-1998-00001	New numbering system starting on January 6, 1998. The first digit of the application number is the File Code indicating the following types of application: 1 – patent (invention) 2 – utility model 3 – industrial design The four digits following the first dash indicate the year of filing. The last five digits indicate the application number. The number 5 following the second dash indicates a PCT application. For each filing year, the application number series for each type of application starts with number 0001 or 500001. Old numbering system for applications from 1948 to 1998: see Table II.
PK PAKISTAN	10131/65	1031/65	1031/65	–
RO ROMANIA	92-0884	92-0884	92-0884	Numbering system introduced on January 21, 1992. The first two digits represent the last two digits of the year of filing of the application. The digits after the dash constitute a rising serial number with leading zeros.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
RU RUSSIAN FEDERATION	92005240 (old numbering system)	92005240	92005240	Numbering system used from 1992 to 1995. The first two digits of the number indicate the last two numbers of the year of filing of the application.
	95103445 (old numbering system)	95103445	95103445	Numbering system used from 1995 to 1999. The first two digits indicate the last two numbers of the year of filing of the application. The third digit indicates the type of industrial property right: 1 – 4 = invention and utility model.
	2001111546 (new numbering system)	2001111546	2001111546	New format applied from January 1, 2000. The first four digits indicate the year of filing of the application. The fifth digit indicates the type of industrial property right: 1 - 4 = invention and utility model.
SE SWEDEN	16414/70 (old numbering system)	16414/70	16414/70	–
	7300001–0 (new numbering system)	7300001	7300001	New numbering system introduced on January 1, 1973. However, some applications filed before 1973 have been renumbered according to the new numbering system, i.e., the number 16414/70 has become 7016414–8. The first two digits indicate the last two numbers of the year of filing of the application. The digit after the dash is used for computer control.
SI SLOVENIA	9300393 (old numbering system)	9300393	9300393	The first two digits indicate the last two numbers of the year of filing of the application. The third digit indicates the type of industrial property right and place of filing: 0-4 = patents and short-term patents. The last four digits indicate the serial number of the application.
	200100001 (new numbering system)	200100001	200100001	New numbering system introduced as of January 1, 2000. The first four digits indicate the year of filing of the application. The fifth digit indicates the type of industrial property right and place of filing: 0-4 = patents and short-term patents, 5-6 = industrial designs, 7-8 = trademarks. The last four digits indicate the serial number of the application.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
SK SLOVAKIA	PV 1234-95	1234-95	1234-95	Numbering system used until the end of 1999. PV is an abbreviation of “invention application”. The digits before the hyphen indicate the serial number of the application and the two digits after the hyphen indicate the last two numbers of the year of filing of the application.
	PV 1234-2000	1234-2000	1234-2000	Numbering system used from January 1, 2000 to November 10, 2001. PV is an abbreviation of “invention application”. The digits before the hyphen indicate the serial number of the application and the four-digit number after the hyphen indicates the year of filing of the application.
	PP 1234-2003	1234-2003	1234-2003	Current numbering system as of November 11, 2001. PP is an abbreviation of “patent application” (the term was introduced according to the new Patents Act No. 435/ 2001). The digits before the hyphen indicate the serial number of the application and the four-digit number after the hyphen indicates the year of filing of the application.
	PÚV 123-95	123-95	123-95 U	Numbering system used until the end of 1999. PÚV is an abbreviation of “utility model application”. The digits before the hyphen indicate the serial number of the application and the two digits after the hyphen indicate the last two numbers of the year of filing of the application.
	PÚV 123-2000	123-2000	123-2000 U	Current numbering system as of January 1, 2000. PÚV is an abbreviation of “utility model application”. The digits before the hyphen indicate the serial number of the application and the four-digit number after the hyphen indicates the year of filing of the application.
TJ TAJIKISTAN	96000375	96000375	96000375	Patent application.
	9600001	9600001	9600001 U	Utility model application. The first two digits indicate the last two numbers of the year of filing of the application. Digits in positions 3 to 8 denote the serial number of the application. The numbering system was introduced in 1993.
TM TURKMENISTAN	07/100895N	07/100895	07/100895	New numbering system introduced on January 1, 1997. The figure before the slash indicates the year of filing of the application (07 means 1997).

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
				The numeral after the slash denotes the type of industrial property right (1 = patent for invention).
				The last three numerals represent the serial number of the application. The digits in positions 2 and 3, after the slash, are not yet used by the TM Office. The letter N is used to denote applications filed by non-residents.
TR TURKEY	a 97/00012 u 97/00013 a 2003/00012 u 2003/00013	97/00012 97/00013 2003/00012 2003/00013	a 1997 00012 u 1997 00013 a 2003 00012 u 2003 00013	a = letter code characterizing a patent application. u = letter code characterizing a utility model application. The first two digits before the slash indicate the last two numbers of the year of filing the patent or utility model application before 1998 and the last five digits after the slash indicate the serial number of the application. The new numbering system was introduced on January 1, 1998. The first four digits before the slash indicate the year of filing of the patent or utility model application and the last five digits after the slash indicate the serial number of the application.
TT TRINIDAD AND TOBAGO	164 of 1971 (old numbering system) 960010	164 of 1971 960010	164/1971 or 164/71 960010	Numbering system for patent applications prior to 1996. Numbering system for patent applications introduced as of 1996.
UA UKRAINE	94051272 (old numbering system) 2000020923 (new numbering system)	94051272 2000020923	94051272 2000020923	Numbering system used from 1992 to 1999. The first two digits of the number indicate the last two figures of the year, the subsequent two digits indicate the month of filing of the application, and the last four digits represent the annual serial number. Numbering system introduced on January 1, 2000. The first four digits of the number indicate the numbers of the year, the subsequent 5 th and 6 th digits indicate the month, and the last four digits represent the annual serial number.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
UZ UZBEKISTAN	IHAP9200019.1 IHDP9200014.1 FMGU9500009.1	IH9200019 IH9200014 FM9500009	9200019 9200014 9500009 U	Patent application. Application for a preliminary patent. Utility model application. The first two letters indicate the type of industrial property right followed by two letters denoting the type of protection document (IH = patent for invention, FM = utility model, AP = patent, DP = preliminary patent, GU = utility model certificate). The first two digits denote the last two numbers of the year of filing of the application. The five digits following the year indicator represent the serial number. The digit after the full stop indicates the examination division.
VE VENEZUELA	12122-68	12122-68	12122-68 or 12122/68	—
WO WORLD INTELLECTUAL PROPERTY ORGANIZATION	PCT/DE79/00016 PCT/IB94/00041 (numbers quoted before January 1, 2004) PCT/DE1979/000016 PCT/IB1994/000041 (numbers quoted as from January 1, 2004) PCT/CA2004/123456 (numbers allocated as from January 1, 2004)	PCT/DE79/00016 PCT/IB94/00041 (numbers quoted before January 1, 2004) PCT/DE1979/000016 PCT/IB1994/000041 (numbers quoted as from January 1, 2004) PCT/CA2004/123456 (numbers allocated as from January 1, 2004)	PCT/DE79/00016 PCT/IB94/00041 (numbers quoted before January 1, 2004) PCT/DE1979/000016 PCT/IB1994/000041 (numbers quoted as from January 1, 2004) PCT/CA2004/123456 (numbers allocated as from January 1, 2004)	The same form should be used, if the PCT application number is cited under INID codes (86) and (30), according to the date on which the citation is made (i.e., respectively, before or as from January 1, 2004).
YU⁽²⁾ SERBIA AND MONTENEGRO	P1135/66	1135/66	1135/66	—

⁽²⁾ The two-letter country code "YU" is used for Serbia and Montenegro, formerly "Yugoslavia," until the ISO 3166/MA has taken a final decision and the Standards and Documentation Working Group of the Standing Committee on Information Technology reaches a decision concerning the two-letter code to represent Serbia and Montenegro in Standard [ST.3](#).

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
ZA SOUTH AFRICA	70/4865	70/4865	70/4865	–
ZM ZAMBIA	142/70	142/70	142/70	–
ZW ZIMBABWE	10/84	10/84	10/84	–

[Table II follows]

TABLE II - OTHER THAN ANNUAL NUMBERING SYSTEMS

TABLE II COUNTRIES OR ORGANIZATIONS HAVING OTHER THAN ANNUAL NUMBERING SYSTEMS

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
AR ARGENTINA	231790	231790	231790	Old numbering system used for applications filed up to October 31, 1995.
AU AUSTRALIA	59195/69 (old numbering system, up to July 04, 2002) PA0001 (old numbering system, up to July 04, 2002)	59195/69 PA0001	59195/69 PA0001	Long series spread over several years. Provisional applications lodged after January 1, 1970, were numbered PA0001 to PA9999, PB0001 to PB9999, etc.
BE BELGIUM	96469 (old numbering system, up to December 31, 1986)	96469	96469	Application numbers not present in published patent documents or in official gazettes. Basis of numbering system: 10 parallel series of numbers (nine provincial bureaus plus filing by post) which are not otherwise specified. Starting date of provincial series is 1854, of "Filing by post" series 1965. Numbering system used from 1974 to 1986, according to which each of the 10 parallel series of numbers is identified by a numeral (0 to 9) appearing in a patent application number as the first digit and allowing unique identification of the application.
BG BULGARIA	100116 183	100116 183	100116 183	Common continuous numbering system for applications for patents for inventions and for utility models (as of June 1, 1993). Common continuous numbering system for applications for plant varieties and animal breeds (as of January 4, 1997).
BR BRAZIL	222986 (old numbering system)	222986	222986	Numbering system prior to 1972. (See an example of new numbering system in Table I.)

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
CA CANADA	103828 (old numbering system)	103828	103828	Numbering system for patent applications filed prior to October 1, 1989. The old numbering system comprised two series of application numbers. The first series started in 1869 and the second on September 13, 1967. The starting number of the first series was 1 and the last number of the first series was 999,999. The starting number of the second series was 1. The second series of the old numbering system is still continuing.
	2103828 (current numbering system)	2103828	2103828	Numbering system for patent applications filed on or after October 1, 1989. The starting number of the current numbering system is 2000001.
CO COLOMBIA	126050	126050	126050	–
CU CUBA	33384 (old numbering system)	33384	33384	Until the year 1984, a continuous numbering system was used for patent applications. The numbers were assigned in ascending order to the applications filed. New numbering system as of 1985 (see Table I).
DE GERMANY (documents published by the former DD Office)	AP 84 C/137 355 WP 35 B/147 203 (old numbering system based on the national patent classification)	137 355 147 203	137 355 147 203	AP = <i>Ausschliessungspatent</i> WP = <i>Wirtschaftspatent</i> The other symbols before the slash are classification symbols.
	AP C 07 C/166 692 WP H 04 C/174 347 (old numbering system based on the IPC)	166 692 174 347	166 692 174 347	A single numbering series covers both AP and WP applications. The symbols before the slash may be changed due to the examination process.
	AP C07D / 2273 773 WP E21C/ 2269 623 (new numbering system as of 1981)	2273 773 2269 623	2273 773 2269 623	The last digit of the application number in the new numbering system denotes a check number for electronic data processing.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
ES SPAIN	406952 (old numbering system, up to 1986)	406952	406952	Patent application number (application filed in 1972).
	185284 (old numbering system, up to 1986)	185284	185284 U	Utility model application number (application filed in 1972). Until 1986, patent and utility model applications were numbered in two parallel series. No specific indication for the type of industrial property right appears in the application number. Starting date of patent application numbering system: 1878. Last patent application number using this system: 557879. Starting date of utility model application numbering system: 1929. Last utility model application number using this system: 420817. New numbering system for applications as of 1986: see Table I.
GE GEORGIA	000288	000288	000288	Patent application.
	000185	000185	000185	Utility model application.
GR GREECE	44114 (old numbering system)	44114	44114	Numbering system used until the end of 1984. New numbering system as of 1985: see Table I.
HU HUNGARY	OE 107 (old numbering system)	OE 107	OE 107	Old numbering system was used until the end of 1979. The letters preceding the number are the first letter and first following vowel of the applicant's name. There is a separate numbering series for each pair of letters. The letters are essential for identifying the application.
IL ISRAEL	53125	53125	53125	–
LT LITHUANIA	IP 2029 (old numbering system)	IP 2029	IP 2029	IP is an abbreviation meaning “application for protection of an invention”.
	RP 346 (old numbering system)	RP 346	RP 346	RP is an abbreviation meaning “application for re-registration of a patent”. Numbering system used from 1992 to 1995. New numbering system for applications (as of 1995): see Table I.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks
LU LUXEMBOURG	60093	60093	60093	–
MC MONACO	PV 908	908	908	The letters PV stand for <i>Procès-verbal</i> .
MD REPUBLIC OF MOLDOVA	0187 (until December 31, 1999)	0187	0187 U	Utility model application. New numbering system introduced on January 1, 2000: See Table I.
MN MONGOLIA	955	955	955	Application for a patent for invention. No indication as to the type of industrial property right concerned.
MT MALTA	1901	1901	1901	The numbering system for patents is consecutive and continues from one year to another. Utility models are not filed.
NL NETHERLANDS	1000123	1000123	1000123	On April 1, 1995, a new patent act came into force. The new numbering system for applications and patents consists of a continuous series beginning with 1000001.
NZ NEW ZEALAND	201732	201732	201732	–
OA AFRICAN INTELLECTUAL PROPERTY ORGANIZATION	52118 051/SN	52118 051/SN	52118 051/SN	Number assigned to the application filed according to direct filing procedure. Number assigned to the application filed according to indirect filing procedure. The two last letters denote the <u>ST.3</u> code of the country of origin.
PH PHILIPPINES	40155 UM-672 D-632 or D-00632 (old numbering system)	40155 UM-672 D-632	40155 UM-672 D-632	Separate, continuous old numbering system for invention, utility model and industrial design patent applications starting (since 1948) from application numbers 1, UM-1 and D-1, respectively, prior to January 6, 1998. New numbering system for applications starting January 5, 1998: see Table I.
PL POLAND	P 214461 W 36746	214461 36746	214461 36746 U	Patent application. Utility model application.
PT PORTUGAL	52555 5607	52555 5607	52555 5607 U	Patent application. Utility model application.
RO ROMANIA	145006 (old numbering system)	145006	145006	Numbering system used until January 1992. For new numbering system, see Table I.

Country or Organization	Example of Application Number	Minimum Significant Part of a Number	Recommended Presentation in Abbreviated Form as a Priority Application Number	Remarks																														
SU SOVIET UNION (former)	1397205/30–15	1397205	1397205	The numbers following the slash denote the examination division and a processing number. This numbering system was valid up to October 14, 1992.																														
TM TURKMENISTAN	956 (old numbering system)	956	956	Numbering system used before 1997. For new numbering system, see Table I.																														
TT TRINIDAD AND TOBAGO	42 (old numbering system)	42	42	Numbering system for patent applications used prior to the year 1904.																														
US UNITED STATES OF AMERICA	09/123,456	09/123456	09/123,456	<p>The first two numbers of the application number are the Series Code. To uniquely identify a US application the Series Code must be provided. If it is not known, it can usually be determined based on the date the application was filed by using the table below*:</p> <p>Applications for patents for invention, design patents (prior to October 1, 1992) and plant patents</p> <table><tr><td>New series started</td><td>Series Code</td></tr><tr><td>January 1, 1915</td><td>01</td></tr><tr><td>1935</td><td>02</td></tr><tr><td>1948</td><td>03</td></tr><tr><td>1960</td><td>04</td></tr><tr><td>1970</td><td>05</td></tr><tr><td>1979</td><td>06</td></tr><tr><td>1987</td><td>07</td></tr><tr><td>1993</td><td>08</td></tr><tr><td>December 30, 1997</td><td>09</td></tr><tr><td>December 5, 2001</td><td>10</td></tr></table> <p>Ex Parte Reexamination patent applications</p> <table><tr><td>July 1, 1981</td><td>90</td></tr></table> <p>Inter Partes Reexamination patent applications</p> <table><tr><td>February 1, 2001</td><td>95</td></tr></table> <p>Design patent applications</p> <table><tr><td>October 1, 1992</td><td>29</td></tr></table> <p>Provisional applications</p> <table><tr><td>June 8, 1995</td><td>60</td></tr></table> <p>* Please note, however, there are some applications for which the Serial Number and filing date may not fall within the time periods indicated above.</p> <p>Series Codes were not provided prior to 1915. To be uniquely identified, the filing date must also be provided in addition to the application number.</p>	New series started	Series Code	January 1, 1915	01	1935	02	1948	03	1960	04	1970	05	1979	06	1987	07	1993	08	December 30, 1997	09	December 5, 2001	10	July 1, 1981	90	February 1, 2001	95	October 1, 1992	29	June 8, 1995	60
New series started	Series Code																																	
January 1, 1915	01																																	
1935	02																																	
1948	03																																	
1960	04																																	
1970	05																																	
1979	06																																	
1987	07																																	
1993	08																																	
December 30, 1997	09																																	
December 5, 2001	10																																	
July 1, 1981	90																																	
February 1, 2001	95																																	
October 1, 1992	29																																	
June 8, 1995	60																																	

Appendix E

Style Rules

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abbreviations

- ◆ If the source copy contains an abbreviation, particularly an abbreviation in chemical and mathematical subject matter, that abbreviation must be retained.
- ◆ Abbreviations must not be substituted for spelled-out terms.
- ◆ When an abbreviation is incorrect in the source copy, ascertain the correct abbreviation and make the substitution.

compass points

N.	E.	S.	W.
NE.	NW.	SE.	SW.

months

Jan.	Mar.	May	Jul.	Sep.	Nov.
Feb.	Apr.	Jun.	Aug.	Oct.	Dec.

rural addresses

<u>Word</u>	<u>Abbreviation</u>
Post Office Box	P.O. Box
Rural Delivery	R.D.
Rural Free Delivery	R.F.D.
Rural Route	R.R.
Route	Rte.

street addresses

<u>Word</u>	<u>Abbreviation</u>
Avenue	Ave.
Boulevard	Blvd.
Circle	Cir.
Court	Ct.
Drive	Dr.
Fort	Ft.
Highway	Hwy.
Lane	La.
Mount	Mt.
Parkway	Pkwy.
Place	Pl.
Plaza	Plz.
Road	Rd.
Square	Sq.
Street	St.
Terrace	Ter.

Do not abbreviate Street, Avenue, Road, etc. if the word is part of the name of a company, building, etc. For example: Fifth Avenue Shoppe OR 21 Market Square Plz.

[*continued*]

Numbered Streets

1st, 2nd, 3rd, 4th, **etc.**

If First, Second, etc. are spelled out in the source copy, do not abbreviate. For example: 215 First St. However, if the source copy abbreviates the numbered street's name, follow the abbreviation shown above. For example: 453 3rd St.

states of U.S.

Follow copy in specification:

A survey was conducted in Colorado in 1987.

This technique was first used in Los Angeles, Cal. in World War II.

Otherwise, see *Appendix A: Two-Character Codes for U.S. States and Territories* for abbreviations to be used in bibliographic data (inventor data, assignee data).

temperatures

Abbreviations for Centigrade/Celsius and Fahrenheit should never be deleted. If a period is not present after C or F, add a period. If the C or F is repeated, follow what the source copy says. For example:

50° C. to 200° C.

100° to 150° C.

98.6° F.–100.2° F.

200°–250° C.

13° C., 33° C., and 43° C.

–15°, –3°, and +5° C.

boldface numbers

- ◆ The patent's claim numbers, Figure numbers, and Figure reference numbers (part numbers) are to be printed boldface.
- ◆ Sometimes a specification refers to the Figure numbers and part numbers of drawings from other applications. Since they do not belong to the patent being processed and do not appear in the drawings of the patent being processed, such Figure numbers and part numbers are to be printed lightface. The only Figure number and part numbers that are to be printed boldface are those belonging to the patent being processed. (See **lightface numbers: *Figure numbers and part numbers from other applications.***)

claim numbers

19. A method of claim 17 wherein R₁ is

1. A prefabricated cap frame for a uniform cap of the

Figure numbers

FIG. 4 is

as shown in FIG. 8

Figure reference numbers (part numbers)

dowel 6

shoulder support 87

braces, brackets, parentheses

- ◆ Print braces, brackets, and parentheses as they appear in the source copy. Do not substitute one of these types of punctuation for another.

claims

- ◆ When the text refers to a numbered claim, the word `claim` should not be capitalized, except when it occurs at the beginning of a sentence. For example, if the data source says the method of Claim 10 wherein, that data is to be printed as follows:

the method of claim **10** wherein

- ◆ Claim numbers are printed in boldface.
- ◆ Each claim is printed as a single-sentence paragraph. There may be subparagraphs in a “hanging paragraph” format (with second and succeeding lines indented).
- ◆ When it appears in a reference to another claim, the word `claim` should not be capitalized.

For example:

5. A prefabricated cap frame as claimed in claim **1** in which the uniform cap is of the type having a visor and a grommet for supporting and stretching the top of the cap comprising a one-piece structure molded from a flexible synthetic resin and including a perforated band portion in the form of a substantially flat open strip adapted to be curved and joined at the ends to form the hat band, said band portion including a thickened portion at the upper edge thereof for reinforcement, and an integral vertical stay portion extending from the upper edge of said band portion.

6. A prefabricated cap frame as claimed in claim **1** in which the uniform cap is of the type lacking a visor but having a grommet for supporting and stretching the top of the cap comprising a one-piece structure molded from inflexible natural resin and including an interlinear band portion in the form of a substantially

arched closed strip adapted to be joined at the ends to form the hat band, said band portion including a thickened portion at the lower edge thereof for reinforcement, and an integral oblique stay portion extending from the lower edge of said band portion.

7. A prefabricated cap frame in which the uniform cap is of the type having a visor and a grommet for supporting and stretching the top of the cap comprising a two-piece structure molded from a woven synthetic fabric and including an irregular band portion in the form of a substantially flat open strip adapted to be curved and joined at the ends to form the hat band,

- (i) said band portion including a thickened portion at the upper edge thereof for reinforcement,
- (ii) said two-piece structure including an irregular dual strand for oblique support.

dashes and hyphens

em dashes

- ◆ When the text sets off a phrase or clause with a dash or double dash, print an em dash. For example, if the text says the following:

The dowel--slightly shorter than the track--
can now be removed.

the following should be printed:

The dowel—slightly shorter than the track—
can now be removed.

- ◆ When the text refers to Figure parts using identical paired letters or numerals, print an em dash:

axis A—A

line 12—12

- ◆ In a chemical formula, print an em dash to represent a single bond:

—O—(CH₂)₄—O—

en dashes

- ◆ In a range, print an en dash:

FIGS. 3–6

10–15%

C₁–C₃

[continued]

- ◆ When the text refers to Figure parts using non-identical paired letters or numerals, print an en dash:

axis A–B

line 1–1)

hyphens

- ◆ When the correct spelling of a compound word contains a dash, print a hyphen:

well-documented experiments

24-inch channel

Winston-Salem

- ◆ When dividing a word at the end of a line, print a hyphen. Words in titles or headings are not to be divided:

... the result is a dis-
continuity in the ...

dates

- ◆ When month and year appear without the day, or when the month appears alone, spell out the month.
- ◆ When month, day, and year appear, abbreviate the month.

<u>Source Version</u>	<u>Print Version</u>
December 1984	December 1984
Dec. 1984	December 1984
12-84	December 1984
December 14, 1984	Dec. 14, 1984
14 December 1984	14 Dec. 1984
12-14-84	Dec. 14, 1984

Follow the Dec. 14, 1984 model for the dates that appear in certain bibliographic data:

- see *5. Patent Date*
- see *9. Term Notice*
- see *11. Application Filing Date*
- see *12. National Stage PCT Data*
- see *13B. Related U.S. Application Data*
- see *14. Foreign Application Priority Data*

EXCEPTION → See *18. References Cited*. Month/year dates in U.S. PATENT DOCUMENTS citations and FOREIGN PATENT DOCUMENTS citations are all-numeric. In OTHER PUBLICATIONS citation, abbreviate the month when month + year appears, for example: ...pp. 59–93 (Mar. 1996).

decimals

- ◆ A firearm caliber is to be printed without a leading zero:

.22

.38

.45

- ◆ Any other term which begins with a decimal must be printed with a leading zero:

0.324

0.15

- ◆ European-style "comma" decimals are to be printed as "period" decimals:

<u>Source Version</u>	<u>Print Version</u>
99,9%	99.9%
3,27	3.27

diacritical marks

- ◆ If a diacritical mark appears in the data source, it is to be printed:

as measured in Ångström units

Figure numbers

- ◆ When the text refers to a numbered Figure, the appropriate all-uppercase term FIG. or FIGS. is to be printed in lightface Roman and the Arabic numeral is to be printed in boldface Roman:

FIG. **10**

FIGS. **3–8**

That is, when the text says Fig. 1 or Figure 1, print FIG. 1; when the text says Figures 1–5, print FIGS. 1–5; etc.

- ◆ When the text refers a sole unnumbered Figure, the all-uppercase term FIGURE is to be printed in lightface Roman:

belt anchor C in the FIGURE

- ◆ When the text makes general references to Figures, make no capitalization changes to the source copy:

as shown in the Figures

the following figure will show

- ◆ Often Figure numbers include alphabetic characters:

- Uppercase letters in Figure numbers are to be printed in lightface Roman.
- Lowercase letters in Figure numbers are to be printed in lightface italics.

FIG. 3A

FIG. 3*a*

FIGS. 9A–9D

FIGS. 12*a–12f*

FIGS. 9*a–d*

FIG. 4-*b*

FIG. 5(*c*)

footnotes

- ◆ A footnote is to be printed immediately after the paragraph that contains the first or only reference (marked by asterisk, number, etc.) to that footnote. If a later paragraph refers to the footnote, the footnote is not repeated.
- ◆ Each footnote is to be printed as follows:
 - ◆ 6-point
 - ◆ Times New Roman
 - ◆ uppercase and lowercase

For example:

The literature in the field depicts several largely successful defenestration techniques. In 5th century B.C.E. Greece, the so-called “push” technique was already widely known. Traditionally, the first attempt at mechanical defenestration was made by Glazus Fractus in Rome circa 150 B.C.E., but more recent scholarship has discounted that tradition by pointing to its essential anachronism. There has been general agreement* that the greatest advances in defenestration were made during the 18th Century in France and Prussia, and that no significant advances

have been made since that time.

* O. Penn Wenders, *Defenestration in History*, Hysterion Press, 1975

Admittedly, no defenestration technology can be successful without utilizing in some manner the principle of the classic “push” technique. It has been said* that the “push” technique is “absolutely essential” to any successful defenestration technology. Beyond that, however, this invention departs from all prior defenestration devices and techniques.

This invention involves the use of a length-adjustable distancing rod which ...

headings

- ◆ Headings may or may not be present in the specification data source. When headings are present in the data source, they are to be printed in lightface Roman. Whenever possible, the following printing styles should be used to indicate the hierarchy of the headings.
 - uppercase, centered in column [primary headings such as BACKGROUND OF THE INVENTION, BRIEF DESCRIPTION OF THE DRAWINGS, etc.]
 - uppercase/lowercase, centered in column [secondary headings]
 - uppercase/lowercase, flush left or indented [tertiary headings]
- ◆ The following heading format is common in the summary section of the specification and is an exception to the above-described hierarchy in that, as shown below, the secondary headings are printed as if they are tertiary headings:

BACKGROUND OF THE INVENTION

1. Field of the Invention

This invention relates to dental irrigation drills, in particular to high-speed drills which contain channels by which flavoring agents and/or palliative agents may be delivered.

2. Description of the Prior Art

The earliest attempts to irrigate the oral cavity involved the introduction of liquids via various ...

italics

genus + species

- ◆ In the scientific names of plants and animals, italicize genus plus species:

Musca domestica

E. coli

- ◆ Italicize species standing alone:

tuberosa

cardinalis

NOTE: Do not italicize genus standing alone or family standing alone:

birds of the genus *Ara* are

various *Salmonella* sp. can

turtles of the family *Trionychidae*

- ◆ Italicize any classification beyond species, such as subspecies or variety:

Cyanoderma erythroptera neocara

Cypripedium parviflorum var. *pubescens*

NOTE: In second example above, note that var. is Roman.

chemical variables

- ◆ In chemical formulas, italicize any on-line lowercase letter that represents an unknown or variable number:

$x\text{H}_2\text{SO}_4$

—CyHy

court cases

- ◆ Italicize the names and titles of court cases:

the *Brown* case

Ex parte 74

John Doe v. Mary Doe

NOTE: Note in third example above that v. is Roman.

Figure numbers and Figure reference numbers (part numbers)

- ◆ Italicize any lowercase letter, which is part of a Figure number or a Figure reference number (part number):

FIG. *2b*

dowel **12c** in FIG. **9c**

panels **5(a)** and **5(b)**

widget control elements **20a–20e**

mathematical variables in equations/ expressions spaced apart from running text

The following rules apply to mathematical equations and other mathematical expressions that are spaced apart from the running text and given their own line or lines. These rules do not apply to mathematical equations and other mathematical expressions that are incorporated into the running text.

- ◆ Italicize any on-line letter, whether uppercase or lowercase, that represents an unknown or variable.
- ◆ Do not italicize such terms or abbreviations as cos (cosine), tan (tangent), sec (secant), fps (feet per second), etc.
- ◆ Do not italicize off-line characters (superscripts and subscripts).

$$A_1 = k_{11}c_1 + k_{13}c_3 \dots k_{2n}c_n \quad \text{Eq. 1}$$

$$e_0 = \tan(2R_2!R_1) + 6c \quad [\text{Equation 22}]$$

publication titles underscored or italicized in source

- ◆ In the printing of references cited (see **18. References Cited**), italicize the title of a book, magazine, etc. when that title is either underscored or italicized in the data source (the OTHER REFERENCES or OTHER PUBLICATIONS section of Forms PTO-892 or information disclosure statements).
- ◆ In the specification text, italicize the title of a book, magazine, etc. when that title is underscored in the data source or is italicized in the data source.

Source Version

Print Version

New England Journal of Medicine

New England Journal of Medicine

New England Journal of Medicine

New England Journal of Medicine

New England Journal of Medicine

New England Journal of Medicine

lightface numbers

Except for the patent's Figure numbers, part numbers, and claim numbers, the Arabic numerals are to be printed lightface, including the following:

binary numbers

- ◆ Print binary numbers in lightface:

logic 0

1001 0010

- ◆ Print a binary number in word form when it appears in word form in the data source:

logic one

- ◆ If binary numbers appear within quotation marks in the data source, print the quotation marks:

logic "1"

"1101"

Figure and part numbers from other applications

- ◆ Sometimes a specification refers to Figures of other applications or patents. Since such Figures are not the formal drawings of the patent that is being printed, their Figure numbers and part numbers are not to be printed in boldface. Rather, such Figure and part numbers are to be printed in lightface. For example:

In FIG. 2 of our U.S. Pat. No. 0,000,000 a ring belt 18 extends downwardly from the top of piston head 12.

NOTE: When the drawing sheets contain drawings labeled as PRIOR ART, their Figure numbers and part numbers will be printed in boldface in the specification.

other Arabic numerals

- ◆ These are examples of Arabic numerals that are to be printed in lightface:

3 to 8 carbon atoms

Example 3

Table 7

1. Field of the Invention

82nd Airborne

Ser. No. 08/000,000

U.S. Pat. No. 7,654,321

value of 5

2 bits

Dec. 14, 1984

1-2 shift

Octal 40

hexadecimal 13E

0.03 to 0.12%

n is 1, 3, or 5

25° C.

octene-1

pH of 1

2-chloro-1, 1, 1, 2-tetrafluorothane

(L+1) number of levels

B4 constellation set

a <100> crystal orientation

1 + 1 = 2

punctuation changes

- ◆ See **abbreviations**: *temperatures*.
- ◆ See **dashes and hyphens**.
- ◆ When the data source shows punctuation in a centered heading, do not print the punctuation. For example:

BACKGROUND OF THE INVENTION:

(SUMMARY OF THE INVENTION)

DESCRIPTION OF THE DRAWINGS.

should be printed as:

BACKGROUND OF THE INVENTION

SUMMARY OF THE INVENTION

DESCRIPTION OF THE DRAWINGS

- ◆ When the source shows extraneous punctuation in the following side-headings, do not print the extraneous punctuation:

1. Field of the Invention:

← do not print the colon

2. Prior Art.

← do not print the second period

- ◆ Data sources shown many punctuation styles for the numbers and letters that mark items in a listing. For example:

(a) one thing

(b) another thing

(c) still another thing

1) one thing

2) another thing

3) still another thing

[continued]

Appendix E: Style Rules

1. one thing
2. another thing
3. still another thing

The punctuation style shown in the source version of the listing should be printed in the patent. However, the publication database contractor should impose a consistent style whenever the data source shows a mixed style. For example:

- (1) one thing
- (2) another thing
- 3) still another thing

should be printed in a consistent style:

- (1) one thing
- (2) another thing
- (3) still another thing

- ◆ See **Pre-Capture Verification** in *27. Reference to Prior Related Application(s)*. When the data source is an amendment paper which features a multiple-choice layout or some other pre-printed arrangement of continuity data, there are often extraneous commas. For example:

This is a division, of

should be printed as

This is a division of

quotation marks

- ◆ When quotation marks appear in the data source, they are to be printed.
- ◆ Do not convert single quotation marks to double quotation marks, and do not convert double quotation marks to single quotation marks.

For example:

O. Penn Wenders, "Defenestration Techniques in the Nineties"

logic '1' and logic '0'

consistent with the "big bang" theory

Roman

There are conventional uses for italics that are not followed in patents. The following guidelines pertain to certain kinds of data to be printed in Roman in patents, even though in other (non-patent) contexts the use of italics may be expected.

genus, order, family

- ◆ Use Roman for genus when it appears without species, and use Roman for any classification (order, family) above genus:

Salmonella

Salmonella sp.

species of Salmonella

other scientific names

- ◆ Use Roman for the names of diseases, anatomical terms, geological terms, chemicals, etc.:

diabetes mellitus

medulla oblongata

terra alba

non-English words

- ◆ Use Roman for foreign words and phrases:

pro se

infra

sans

mathematical and chemical data

The following guidelines pertain mathematical and chemical data both when it appears in the running text of the specification and when it is spaced apart on its own line or lines.

- ◆ Use Roman in equations and formulas for all on-line numerals:

$$x + 1 = y - 2 \quad \text{Eq. 5}$$

but 2, 3—C₂H₃—O— is the product when

- ◆ Use Roman for all off-line (inferior and superior) characters:

$$A_1 = k_{11}c_1 + k_{13}c_3 \dots k_{2n}c_n \quad \text{Eq. 1}$$

[(Fe_{1!y}Ni_y)_{1!x}M_x]_{1!z}N_z is represented by

- ◆ Use Roman for mathematical and chemical symbols:

F

‰

÷

- ◆ Use Roman for abbreviations of processes, elements, and names of functions:

cosR+1

NaCl

- ◆ Use Roman for alphabetic variables when the text is discussing equations and formulas:

in which n = 1

wherein R⁶ is —O—

m, n, o, and p are the monomer contents

O.G. citations

- ◆ Use Roman for the printing of citations from the *Official Gazette*:

1148 O.G. 20

stand-alone letters in running text

- ◆ Use Roman for stand-alone letters in the text, both lowercase and uppercase:

angle b of FIG. 6a indicates the maximum swivel range of
not true when $X = 15$

publication titles not underscored or italicized in source

- ◆ Use Roman for publication titles that are not underscored or not italicized in the data source:

Source Version

Print Version

New England Journal of Medicine *New England Journal of Medicine*

New England Journal of Medicine *New England Journal of Medicine*

New England Journal of Medicine New England Journal of Medicine

spacing

- ◆ Print a space between the comma and the word and in a series of three or more items:

x-, y-, and z-compounds

one, two, and three

- ◆ Print a space between a symbol (such as a degree symbol) and a measurement unit abbreviation (such as C. or F.):

10° C.

from 98.3° to 101.4° F.

- ◆ Tables, formulas, and equation set apart from the running text should be preceded and followed by equal "white space":

first causing an alkali metal sulfide to act on a poly(arylene thioether) having recurring units represented by the general formula (3):



wherein Ar is an arylene group, in a water-containing polar organic solvent to depolymerize the poly(arylene thioether), thereby preparing an oligomer having at least one alkali thiolate group.

spelling

- ◆ **Print the spelling that appears in the data source.** When the spelling of a word in the data source is correct but is not the preferred spelling, print the spelling that appears in the data source.
- ◆ **Correct obvious misspellings.** For example, if the phrase “depress the clutch pdal” appears in the source, the phrase should be corrected so that it is printed to read depress the clutch pedal.

trademarks, copyrights, service marks

- ◆ Names of trademarked products are to be capitalized:

surface **30** composed of Plexiglas®

- ◆ When the symbols for trademark, registered trademark, copyright, and service mark appear in the data source, they must be printed.:

TM ® © 4

- ◆ When, instead of using a symbol, the data source spells out a word such as Trademark, Copyright, etc., print the spelled-out word.
- ◆ In some patents, such as biotechnology patents, certain uncircled R designations may resemble registered trademark symbols but in fact may not be registered trademark symbols. For example, an R superscript attached to the abbreviated or full name of an antibiotic denotes resistance to that antibiotic. All of the following terms mean "ampicillin-resistant":

amp^R

Amp^R

ampicillin^R

Ampicillin^R

Similarly, resistance to tetracycline would be indicated by tc^R and its variants. Such R superscripts are to be captured as they appear in the data source, and the registered trademark symbol is not to be printed. Nevertheless, the registered trademark symbol does sometimes appear in biotechnology specifications—for example:

Amberlite® IRC resin column

a column of Sephadex® G50

[continued]

Appendix E Style Rules

Therefore, when the data source shows an R designation with no circle around it, these guidelines should be followed:

- If the uncircled R clearly represents something other than a registered trademark symbol, do not print ® in place of the uncircled R. Print the uncircled R.
- If there is any doubt about the meaning of the uncircled R, do not print ® in place of the uncircled R. Print the uncircled R.
- If the uncircled R is clearly intended to be a registered trademark symbol (that is, it appears with such terms as Plexiglas, Microsoft, etc.), print ® in place of the uncircled R.

Appendix F

Application Data Sheet (ADS)

Application Data Sheets (37 CFR 1.76) permit bibliographic information to be submitted to the USPTO in a single document, which will decrease the likelihood of the Office omitting data, and will also permit applicants to correct bibliographic information in a simpler manner.

DESCRIPTION OF ADS

The ADS provides bibliographic data in a format prescribed by the USPTO. An ADS may be several pages long. A complete description may be found at <http://www.uspto.gov/web/offices/pac/dapp/sir/doc/patappde.html> . A brief sample of inventor data follows. The format for each line is as shown, i.e., category name, followed by two colons, followed by one or more tabs, followed by the information to be captured in PALM. The same format is used for all types of information supplied on the ADS.

Applicant Authority type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Inventor One Given Name::	Chester A.
Family Name::	Riley
City of Residence::	Los Angeles
State or Province of Residence::	CA
Country of Residence::	US
Street of Mailing Address::	1313 Blue View Terrace
City of mailing address::	Los Angeles
State or Province of mailing address::	CA
Postal or Zip Code of mailing address::	90013

The ADS, when present, may be the source for the following types of data to be captured for printing:

- Inventor's Mailing or Residence Address
- Title of the Invention
- Related U.S. Application Data [Continuing Data And Provisional Application Data]
- Foreign Priority

Appendix F Application Data Sheet (ADS)

The ADS is not the source for the capture of any other information. For example, the PTOL-85b remains the source for attorney and assignee data, even though this information may also appear on an ADS. The declaration is the source for the order of the inventors' names, unless there is a granted petition to change the order.

ADS AS "INITIAL" SOURCE OF PALM BIBLIOGRAPHIC DATA

When the applicant submits an ADS at the time of filing of the application, the USPTO will "initially capture" the PALM bibliographic data from the ADS, not from the oath or declaration, and will not compare the ADS's version of data to that presented on the oath/declaration. If the ADS contains errors and those errors are captured into PALM, the USPTO will recapture the information into PALM only if the applicant files a request for correction along with one of the following: a supplemental ADS, an original or supplemental oath/declaration, or a letter.

ADS IS OPTIONAL

The applicant may or may not submit an ADS. If there is no ADS in the file wrapper, the publication data base contractor will utilize the data sources for which instructions have previously been provided.

OATH/DECLARATION WHEN ADS IS USED

When using an ADS, applicants may elect to use a streamlined form of declaration in which the only elements available for data capture are the names of the applicants. Foreign and/or domestic priority claims, continuing data, applicants' residence and post office addresses, and the title of the invention are supplied only on the ADS.

The USPTO form number for this type of declaration is PTO/SB/01A. The form name or title is "DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)".

When applicant has used a PTO/SB/01A or a similar streamlined declaration, an ADS should be present in the file wrapper. If no ADS can be located, the data base contractor returns the file as a "printer waiting" **QUERY**.

LOCATION OF THE ADS WITHIN THE FILE WRAPPER

An ADS may be anywhere within the file wrapper. There may have been more than one ADS submitted. When the ADS is the source for data capture, the latest filed ADS is the governing document. It is the data base contractor's responsibility to find all such ADSs and to utilize the correct one for data capture.

SUPPLEMENTAL ADS

Prior to issue fee payment, the applicant may file a supplemental application data sheet(s) in order to make corrections. The items pertinent to data capture are the same as were listed above, i.e.,

- Inventor's Mailing Address or Residence
- Title of the Invention
- Related U.S. Application Data [Continuing Data And Provisional Application Data]
- Foreign Priority Data.

The ADS guidelines encourage applicants to re-submit all information on a supplemental ADS with underlining to show additions, and strikeouts to show text that has been removed.

IDENTIFYING THE LATEST FILED ADS

If an ADS was filed with the application, the Serial Number and filing date should be stamped in the left margin, as are most papers filed with the application. If an ADS is not dated, and it is the only ADS submission in the file, it may be assumed that it accompanied the application papers.

A subsequently filed ADS may be dated in one or more of the following ways:

- The applicant may have provided the date of submission on the ADS itself or on a paper accompanying it;
- The USPTO may have date-stamped the form or a paper accompanying it;
- If the ADS or accompanying paper has been assigned a number, the date of receipt will be present on the Contents panel.

The presence of underlining and/or strikeouts on a supplemental ADS may also help to identify the latest filed document.

If the data base contractor cannot determine the latest filed ADS, the file is to be returned to the USPTO via a "printer waiting" **QUERY**.

Appendix F

Application Data Sheet (ADS)

The following table shows the source for each data element.

GENERAL SUMMARY OF SOURCES

DATA ELEMENT	SOURCE IF ADS PRESENT	SOURCE IF NO ADS
Inventor's Name	Latest filed Oath/declaration, or Oath/declaration + granted petition	Latest filed Oath/declaration, or Oath/declaration + granted petition
Order of Inventors' Names	Latest filed Oath/declaration or granted petition	Latest filed Oath/declaration or granted petition
Inventor's Address (Mailing (Postal) and Residence)	Latest filed document (either Oath/declaration or ADS)	Latest filed Oath/declaration
Title of Invention	Latest filed ADS or subsequent amendment	1 st page of Specification, or subsequent amendment to Specification or PALM bibliographic data sheet (or file wrapper label)
Continuing Data	Latest filed ADS	1 st sentence of Specification or subsequent amendment
Provisional Appl'n. Data	Latest filed ADS	1 st sentence of Specification or subsequent amendment
Foreign Priority Data	Latest filed ADS or Oath/declaration	Latest filed Oath/declaration

Appendix G

Glossary

A, A1, A2, A9 See *kind code*.

abandoned application An application that has been removed from the USPTO docket of pending applications usually because the applicant has failed to take appropriate action at some stage of the prosecution (such as failure to submit the issue fee within the statutory three months after the mailing of the Notice of Allowance and Issue Fee Due), or the applicant has expressly declared that the application will not be further prosecuted.

abstract A short narrative summary of the technical disclosure of a patent application, including that which is new in the art to which the invention pertains. Also known as the "abstract of the disclosure." MPEP 608.01(b) limits the abstract to "a single paragraph within the range of 50 to 150 words." The abstract is printed as part of the bibliographic data on the front page of the pre-grant publication or patent.

ADS See *application data sheet*.

agent See *patent agent*.

allowance The examiner's action by which a patent application is passed for issue as a patent.

allowed application An application that has been examined and passed for issue as a patent, subject to the timely payment of the issue fee and the timely satisfaction of any outstanding drawing requirement.

amendment An alteration or revision in the subject matter of application. An amendment may delete data, add data, and/or revise data. See *formal amendment* and *informal amendment*.

amendment paper A paper containing a request for, or directions for, changing or revising an application, identifying the specific subject matter involved and precisely setting forth the changes that are to be made.

American Standard Code for Information Interchange (ASCII) Standardized method for representing data when processing by computer systems.

annual index A multi-volume USPTO publication entitled *INDEX OF PATENTS ISSUED FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE* and consisting of **Part I: Index of Patentees**, in two volumes, a collation and consolidation of the patentee indexes from the year's fifty-two *Official Gazettes*, and of **Part II: Subjects of Inventions**, in one volume, a collation and consolidation of the classification indexes from the year's fifty-two *Official Gazettes*. See **patentee index** and **classification index**.

applicant The person who has applied for a patent. In the United States the applicant must be the actual inventor, except when the inventor is deceased, mentally or otherwise incapacitated, refuses to execute an application, or cannot be found after diligent effort. In any case, the application must be made in the name of the inventor.

application The means under 35 U.S.C. 111 by which an applicant requests the grant of a patent. See **provisional application** and see **nonprovisional application**.

application data sheet (ADS) As set forth in 37 CFR 1.76, a sheet or sheets which may be voluntarily supplied by the applicant to provide bibliographic data, including applicant information, title of the invention, domestic priority information, and foreign priority information. If there is an application data sheet which supplies the inventor's residence and mailing address and which supplies the foreign priority information, then that information should not be shown on the oath or declaration. If there is an application data sheet which supplies the domestic priority information, then that information should not be shown in the first sentence of the specification.

application file A three-part folder containing papers filed by the applicant in pursuit of a patent grant and papers generated by the USPTO during the prosecution of the application. Also called the file jacket or the file wrapper.

application filing date See **filing date**.

application number The numeric identifier assigned consecutively to each patent application in the order of its receipt in the USPTO. The application number consists of the two-character series code plus the six-digit serial number—for example, 08/123,456. The application number is used to identify the application throughout the prosecution, up to the point at which the application is assigned a patent number, and then the application number becomes a supplementary identifier.

Application Red Book Pre-grant publications (patent application publications and plant patent application publications) in XML format.

application series A range of application serial numbers from 000,001 through 999,999 which, once it has been exhausted, is begun again. This happens every few years. Each series is identified by a two-character series code which is prefixed to the serial number. For example, Series 09 began in 1998 with application number 09/000,001, and Series 10 began in 2001 with application number 10/000,0001.

art A field, branch, or area of related technical subject matter, not necessarily confined to a single class or subclass—for example, the laser art, the prosthetic devices art, the art of manufacturing glass.

art unit See *group art unit*.

ASCII See *American Standard Code for Information Interchange*.

assignee Under 35 U.S.C. 261, an individual, corporate entity, or government entity to whom the inventor has transferred the ownership, in entirety or in part, of his/her invention.

assignment The instrument in writing by which an assignor (inventor or owner) transfers to an assignee the ownership, in whole or in part, of a patent or patent application.

assignor The owner of a patent's rights who is transferring the rights, in whole or in part, to another person or entity. Each of the joint inventors may likewise assigning his or her rights, in whole or in part for each inventor.

assistant examiner An examiner who may examine an application but who must obtain the approval of a primary examiner before allowing the application.

associate attorney A registered attorney or agent appointed by a principal attorney or agent to represent him or her as an associate. The associate attorney thereby also becomes an attorney of record in the application.

attorney See *patent attorney*.

attorney of record The registered practitioner (attorney or agent) appointed, as recorded in the application, to transact the inventor's business before the USPTO.

author's certificate See *inventor's certificate*.

B1, B2 See *kind code*.

bibliographic data Information appearing on the front page of a pre-grant publication or of a patent or in the patent's entry in the *Official Gazette*—that is, publication number, publication data, application number, filing date, title of invention, inventor data, related U.S. application data, foreign priority data, abstract, classification information, etc.

biological material See *deposit of biological material*.

brief description of the drawings A self-contained section of the specification

that identifies and briefly describes the patent's formal figures. The brief description of the drawings follows the summary and precedes the detailed description of the invention.

C1, C2, etc. See *kind code*.

camera-ready copy (CRC) A section of data which cannot be captured as text or as a complex work unit and which therefore must be scanned as an image in order to be included in the published pre-grant publication or patent.

case See *application file*.

certificate of correction A document issued by the Certificates of Correction Branch, Office of Patent Publication, the purpose of which is to correct mistakes that appeared in an issued patent. Under 35 U.S.C. 254, a certificate of correction may be issued to correct a mistake made by the USPTO. Under 35 U.S.C. 255, a certificate of correction may be issued to correct a mistake made by the applicant.

certificate of extension A document issued by the USPTO's Office of Patent Legal Administration under 35 U.S.C. 156, the purpose of which is to extend the patent term to compensate the patent owner for the period of the patent term during which the invention could not be marketed because it was undergoing review by a regulatory agency such as the Food and Drug Administration.

certificate of mailing or transmission Under 37 CFR 1.8, a statement which appears on a piece of correspondence being sent to the USPTO, which statement is signed by the sender, who certifies that the correspondence is being deposited with the U.S. Postal Service on a certain date or is being transmitted by facsimile on a certain date. If the certificate of mailing or transmission is properly executed, the date of mailing or the date of transmission is regarded by the USPTO as the date of receipt. This procedure enables an applicant to delay his or her response until the very last day of a response period.

certified copy (1) A copy, certified to be a genuine copy by a foreign patent office, of an original foreign application upon which a claim for foreign priority is based. (2) A copy certified by the PTO to be a genuine copy of an original U.S. patent.

CFR Code of Federal Regulations, Title 37 of which is "Patents, Trademarks, and Copyrights." 37 CFR contains the patent rules set forth by the USPTO and the Department of Commerce. See *patent rule*.

citation See *reference citation*.

claim A one-sentence definition or identification that specifically points out and distinctly sets forth the subject matter that the applicant regards as his/her invention or discovery. There must be at least one claim in each application. The claim or

claims, according to 35 U.S.C. 112, must "conclude" the specification.

claim for priority A statement (sometimes part of the oath or declaration, sometimes a separate paper) in which an applicant claims the right of priority.

class A major grouping of the subject matter of inventions, designated by a code of one to three characters. A utility class consists of one to three numeric characters (such as 2, 95, 417). A design class consists of an uppercase D plus one or two numeric characters (such as D6, D23). The sole plant class is PLT.

class change See *reclassification*.

classification index An index which presents U.S. class numbers in ascending order and which, under each class number, lists the subclass number and patent number of each patent which issued in that class during a given week. The classification index appears in the back of each weekly *Official Gazette*. It is also known as the subject index.

classification, international See *international patent classification (IPC)*.

classification, U.S. See *U.S. classification*.

complex work unit (CWU) A block of non-narrative data the format of which and/or the content of which requires special coding—a table with columns, a multi-level mathematical equation, a chemical formula with benzene rings, a segment of a nucleotide and/or amino acid sequence, etc.

computer program listing A printout that lists computer instructions and routines. Depending upon various factors (the length of the printout, the date of filing, etc.), a computer program listing under 37 CFR 1.96 may appear as a drawing, it may be printed as part of the specification's detailed description, or it may be submitted as a computer program listing appendix in the form of a compact disc which is not published but which is referred to at the beginning of the specification.

computer program listing appendix A computer program listing filed on compact disc. The computer program listing appendix is referred to at the beginning of the specification and is incorporated by reference but is not published as part of the patent application publication or the patent.

CONTENTS A chronological record of the prosecution of the application. The CONTENTS listing is located on an outside flap of the patent application file wrapper. On this listing, red ink is used to indicate papers that the applicant submitted to the USPTO, and black ink is used to indicate papers that the USPTO mailed to the applicant. Each CONTENTS item includes an Arabic numeral assigned to the paper for identification purposes, a brief description of the paper, and the date on which the USPTO received or mailed the paper. (In addition, an electronic version of the

CONTENTS listing is stored in the USPTO's Patent Application Locating and Monitoring System [PALM] system.)

continuation application An application with the same subject matter as an earlier (parent) application filed by the same inventor(s). See *continuing application*.

continuation-in-part application An application with the same subject matter as an earlier (parent) application filed by the same inventor(s) plus new subject matter not disclosed in the earlier (parent) application. See *continuing application*.

continued prosecution application (CPA) [The CPA procedure for utility and plant applications is eliminated as of July 14, 2003. The CPA procedure continues for design applications.] A procedure under 37 CFR 1.53(d) by which the applicant, instead of filing a separate continuation or separate divisional application, renews the prosecution of his/her prior nonprovisional application via a request submitted directly to the examining group. The prior application's application number and filing date remain operative, and the prior application's file and papers are re-used. Continuations-in-part cannot be filed under the CPA procedure. The CPA procedure is limited to design applications filed on any date, and to utility, plant, PCT, and reissue applications filed before May 29, 2000. In utility, plant, PCT, and reissue applications filed on or after June 8, 1995 and before May 29, 2000, applicants may use either the *request for continued examination (RCE)* procedure or the CPA procedure.

continuing application A second or subsequent application for at least some of the same subject matter as an earlier (parent) application filed by the same inventor(s), bearing such relation to the earlier application as to entitle the later application to the benefit of the filing date of the earlier application. The three kinds of continuing applications are continuation applications, continuation-in-part applications, and divisional applications. See *parent application*.

continuity data See *domestic priority (1)*. The nonprovisional U.S. or PCT parent application's specific relationship (continuation, division, or continuation-in-part) to the continuing application, the parent application's number, the parent application's filing date, and the parent application's current status ("abandoned" or "U.S. Pat. No. _____"). See *related U.S. application data* and *reference to prior related applications*.

continuous tone drawing A drawing that contains gray shading variations. It may be a photograph or may be generated by computer or other methods.

copyright authorization Per 37 CFR 1.71, a statement of "authorization language" at the beginning of the specification noting the presence of copyrighted material in the patent, stating that there is no objection to the facsimile reproduction of the copyrighted material in the patent document, but otherwise reserving all copyrights.

corrected patent A corrected version of the patent created in composed (image) form only (that is, there is no Full Text version). The corrected patent is created in place of a certificate of correction when the USPTO error in the original patent was so egregious that a certificate is not an adequate means of correction. On the Tuesday of publication, a paper version of the corrected patent in grant cover with ribbon and seal is mailed to the applicant. Otherwise the publication and distribution of the corrected patent is identical to the publication and distribution of a certificate of correction.

corrected patent application publication A second or subsequent publication of a patent application publication or plant patent application publication, done at the applicant's request and at no cost to the applicant, the purpose of which is to correct material errors that the USPTO made in the earlier publication.

corrected publication data The bibliographic information on the front page of a corrected patent application publication which identifies the publication number and publication date of the earlier publication that is now being corrected and which indicates the locations of the corrections.

corrected registration A corrected Statutory Invention Registration (SIR) created in composed (image) form only (that is, there is no Full Text version). The corrected registration is created in place of a certificate of correction when the USPTO error in the original SIR was so egregious that a certificate is not an adequate means of correction. See **corrected patent**.

correspondence address The address specified by the applicant, attorney, or agent as the one to which the USPTO is to direct all communications about the application.

CPA See **Continued Prosecution Application (CPA)**.

CRF The "computer readable form" of a Sequence Listing. See **Sequence Listing**.

cross-reference See **official cross-reference** and **unofficial cross-reference**.

cross-reference classification Official designation by the examiner (written on Form PTO-270, Issue Classification Slip) of additional class(es) and subclass(es) in which the disclosure of the issuing patent would be appropriate and in which copies of the patent are placed. See **original classification**.

cross-reference to related applications See **reference to prior related applications**.

data capture The process by which the data base contractor enters the contents of allowed applications into a "publishing data base" for the creation of various electronic products that are to be used for printing the patents, creating the text-searchable versions of the patents, creating the electronic *Official Gazette*, etc.

Data Entry for Non-Utility Patent Publications The document that provides instructions for the publication database contractor's capture of data for design patents, plant patents, reissue patents, statutory invention registrations, and reexamination certificates. The manual describes the data sources and provides format instructions for the composition of the data. The manual is updated via Office of Patent Publication Information Bulletins, which are then incorporated into revisions of the manual.

Data Entry Manual for Utility Patents The document that provides instructions for the publication database contractor's capture of data for utility patents. The manual describes the data sources and provides format instructions for the composition of the data. The manual is updated via Office of Patent Publication Information Bulletins, which are then incorporated into revisions of the manual.

Data Preparation Manual for Pre-Grant Publication The manual that provides instructions for the publication database contractor's capture of data for pre-grant publications, including descriptions of the electronic data sources and format instructions for the composition of the data. The manual is updated via Office of Patent Publication Information Bulletins, which are then incorporated into revisions of the manual.

Data Query Branch The branch of the Publishing Division that is responsible for the processing of "printer waiting" queries.

data source That part of the application from which a given data element is captured by the data base contractor. For example, the data source for the inventor data is the oath or declaration, the data source for the brief description of the drawings is the specification manuscript, and the data source for a reference citation is Form PTO-892 or Form PTO-1449.

date of grant See *issue date*.

declaration A statement signed by the applicant, the content of which is identical to what would be found in an oath, but which differs from an oath in not being notarized, and which under 37 CFR 1.68 may be filed in lieu of an oath. See *oath*.

defensive publication Formerly, a conditional waiver of patent rights in the form of a one-page USPTO publication consented to by the applicant and including bibliographic data (including abstract), any drawings, and an authorization to open the contents of the unexamined application to public inspection. The defensive publication program was replaced in 1985 by the **Statutory Invention Registration (SIR)** program.

dependent claim A claim that refers back to and restricts a preceding claim.

deposit of biological material A requirement in the prosecution of some biotechnology patent applications by which the applicant must deposit a sample of biological material (bacteria, fungi, algae, protozoa, viruses, seeds, etc.) in an accepted International Depository Authority (IDA) that was established under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure or that the USPTO otherwise recognizes as suitable. The patent specification must refer to the IDA deposit (name of depository, date of deposit, accession number). See MPEP 2400 and 37 CFR 1.801 through 1.809.

description of the prior art A statement in the specification that describes the condition of the particular art to which the invention pertains and the ways in which the applicant's invention overcomes existing problems in that prior art. Such a statement is part of the summary.

design patent A patent granted under 35 U.S.C. 171 for a "new, original, and ornamental design for an article of manufacture." The design patent's term under 35 U.S.C. 173 is "fourteen years from the date of grant."

detailed description The portion of the specification which follows the summary and any brief description of the drawings and which immediately precedes the claims, and which contains such information as a description of a specific embodiment of the invention. When a computer program listing or a Sequence Listing is printed in the specification, it appears in the detailed description.

digest A collection of U.S. and foreign patents and publications, gathered together by the examiners within a class and based on sufficiently related subject matter not specifically defined by a given subclass. When part of a classification, a digest is designated DIG.—for example, Class 8, DIG. 4. A patent may be classified in a digest only as a cross-reference.

disclosure The presentation of the invention as evidenced by the written matter and drawings—that is, all information in the application, as filed.

disclosure document An invention disclosure which is signed by the inventor and submitted with a fee to the USPTO and which the USPTO retains for two years. The disclosure document serves as evidence of the date of conception, but the disclosure document is not a patent application. At the end of the two-year period, the USPTO destroys the disclosure document, unless during that period the inventor has filed a patent application containing a letter that refers to the disclosure document.

divisional application An application with part of the same subject matter as an earlier (parent) application filed by the same inventor(s) but with no new subject matter. See *continuing application*.

Document Review Branch The office within the Publishing Division which receives post-allowance correspondence.

document source The country that published a given patent document or patent application document.

domestic priority (1) Benefit from prior U.S. nonprovisional application or PCT applications of which the present application is a continuation, division, or continuation-in-part. The filing date of the (oldest) prior nonprovisional application is the effective filing date of the application at hand, and thus begins the 20-year utility or plant patent term. See **continuity data**, **related U.S. application data** and **reference to prior related applications**. (2) Benefit from a prior U.S. provisional application. The applicant during the 12-month pendency of the provisional application may under 35 U.S.C. 119(e) file a nonprovisional application and claim the priority benefit of the filing date of the provisional application. This procedure creates a "domestic priority year" that is analogous to the Paris Convention "foreign priority year." The domestic priority year is not included in the 20-year utility or plant patent term, which is measured from the nonprovisional effective filing date.

domestic priority data The provisional application number and the provisional application filing date (see **domestic priority**), which are printed bibliographically on the patent front page as part of the related U.S. application data and which are also printed at the beginning of the specification in the reference to prior related applications. See **related U.S. application data** and see **reference to prior related applications**.

double patenting The situation that exists when two or more patents or applications which share at least one common inventor or which are commonly owned contain claims that recite the same inventive concept or obvious variations of the same concept. Double patenting is the basis upon which an examiner can reject an application. The "same invention" type of double patenting violates the patent law which states that an inventor can obtain a patent (singular) for an invention. The "obvious variation" type of double patenting comes about when a second application's claims, while not identical, are not patentably distinct from the claims of the existing patent, to the extent that the granting of a second patent would in effect be a prolongation of the first patent's term. Rejection for "obvious variation" double patenting can be overcome through the use of a terminal disclaimer.

draftsperson or draftsman See **official draftsperson**.

drawing Under 35 U.S.C. 113, an illustration that is "necessary for the understanding of the subject matter" of the patent. (Some patents do not have drawings.) The drawing(s) must show every feature of the invention specified in the claims. Black-ink (or its equivalent) lines must be used for drawings, except for occasions in which the nature of the subject matter requires color to be used and except for those

categories of patents (crystalline structures, grain structures, textile fabrics, etc.) requiring black-and-white (or, rarely, color) photographs. An applicant who requires the use of anything other than black-and-white line drawings must petition the USPTO and explain why line drawings will not be sufficient for the application.

drawing, continuous tone See *continuous tone drawing*.

drawing, line See *line drawing*.

drawing sheet White paper on which formal drawing(s) appear. Drawings sheets must be either size 8½ by 11 inches or size A4 (21 by 29.7 cm.).

E See *kind code*.

effective filing date The date the patent application was filed in the U.S., or the date on which the earliest prior related U.S. or international (PCT) application was filed. For the U.S. national stage of an international (PCT) application, the effective U.S. filing date is the international filing date.

eighteen-month publication See *patent application publication* and *plant patent application publication*.

Electronic Filing System (EFS) The USPTO's electronic system by which the applicant may use the Internet to submit patent applications, computer readable forms of Sequence Listings, pre-grant republication data, and information disclosure statements. (As of this writing EFS does not accept design applications, new plant applications, reissue applications, international PCT applications, and reexamination requests.)

eOG See *Patents eOG (Patents Official Gazette)*.

examination The USPTO's review under 35 U.S.C. 131 of a non-provisional application to determine the patentability and scope of the invention.

examiner A USPTO employee who reviews patent applications to determine the patentability and scope of inventions and who, with other examiners, resolves questions of priority between rival applicants for the same subject matter.

examiner's amendment An amendment to a patent application made by the examiner to correct obvious errors and omissions. An examiner's amendment may be formal or informal. See *formal amendment* and *informal amendment*.

exemplary claim In applications filed before November 1, 1966, that have not otherwise been given an abstract, the broadest claim as designated by the examiner. It is printed in the *Official Gazette* and, in lieu of an abstract, on the patent front page.

ex parte reexamination See *reexamination*.

Extensible Markup Language See *XML*.

fee Payment of money by the applicant to the USPTO as required by law or regulation at various points in the patent application process (for example, filing fee, petition fee, issue fee) and during the term of the patent (such as maintenance [renewal] fees paid at intervals to keep the patent in force).

fee(s) transmittal Form PTOL-85B, Fee(s) Transmittal, is the sheet in the carbon set of the more recent version of Form PTOL-85, Notice of Allowance and Fee(s) Due, that the applicant may use to transmit the issue fee and, if it is due, the publication fee. The applicant also enters onto Form PTOL-85B the attorney/firm and assignee data that is to be printed on the patent front page. The applicant may also use the form to place an advance order for copies of the patent. See **Notice of Allowance and Fee(s) Due**, **issue fee**, and **publication fee**.

field of search The related classes and subclasses (including digests) in which the examiner reviews prior patents and published literature for the purpose of evaluating the patentability of an application.

field of the invention A statement near the beginning of the patent specification which states the background of the invention and of the art to which the invention pertains. Such a statement is part of the summary.

file jacket or file wrapper See *application file*.

File Wrapper Continuing (FWC) application A continuation, divisional, or continuation-in-part application filed under 37 CFR 1.62 in which the parent application and the “child” application are physically merged, although the “child” is a separate application with its own application number and filing date. The FWC procedure was replaced by the Continued Prosecution Application (CPA) procedure on December 1, 1997.

file wrapper label An adhesive label which is affixed to the face of the file wrapper and which shows certain bibliographic data taken from the PALM system. The label is analogous to a **PALM bibliographic data sheet**.

filing The submission of a patent application to a patent office, or the submission of an additional paper (amendment, petition, etc.) during the prosecution of the application.

filing date The data on which a complete application (as defined by 35 U.S.C. 111) is received by the PTO. See also **effective filing date**.

final rejection An action, after the first action by the examiner, that concludes the prosecution of an application before the examiner. Following a final rejection, the

applicant may appeal, petition, or submit an amendment (entered at the discretion of the examiner) complying with the requirements or overcoming the objections as to form in order to place the application either in condition for allowance or in better form for appeal.

foreign national application An application filed in a foreign country for the granting of a patent by that country's government. It is common for a country, in advance of the granting of the patent, to publish the application 18 months after its filing date.

foreign priority The right of an applicant to file a patent application in one country and within 12 months to file a patent application covering the same subject matter in another country, then obtain the benefit of the earlier filing date. The source of this reciprocal right is Article 4 of the Paris Convention, although other treaties and law establish priority rights. All countries involved must be recognized countries (see **recognized country**). An applicant who wishes to exercise the right of priority in the U.S. must under 35 U.S.C. 119(a)–(d) submit a claim for priority and a certified copy of the foreign application. See also **claim for priority**, **certified copy**, **priority papers**, and **Paris Convention**. An applicant may also claim foreign priority from a plant breeder's rights certificate filed in another country. See **plant breeder's rights (PBR) certificate**.

formal amendment An amendment either directed by the applicant or made by the examiner. If executed by the applicant, the amendment is on a duly signed paper which is physically entered into the file by the group clerk. If executed by the examiner, the amendment is made by means of a written notice of the changes that is sent to the applicant.

formal drawing A drawing that has been accepted by the USPTO as meeting the requirements of 37 CFR 1.84 with respect to legibility, labeling, arrangement of views, use of lead lines, use of shading and hatching, scale, margins, paper size, etc. See **informal drawing**.

fractional interest assignment An assignment whereby patent rights are transferred in part, as a percentage or as a fractional amount, from either a sole inventor or from one or more joint inventors.

front page The top page of a printed patent, presenting bibliographic data—that is, patent identification data, inventor data, assignee data, classification data, etc., plus abstract and representative drawing. It sometimes happens that a second sheet is necessary for the printing of the "front page" data.

Full Text Data Base The USPTO's electronic repository of text-searchable ASCII versions of all patents granted from 1971 to the present. (Reexamination certificates and certificates of correction, however, are not included in the Full Text

Data Base.) As of April 2001 the Full Text Data Base also includes pre-grant publications.

FWC See *File Wrapper Continuing (FWC) application*.

gazette The official journal of a patent office, in which that office reports bibliographic information on patent applications and/or patents published during a given period. For example, the World Intellectual Property Organization publishes a weekly gazette of its published international (PCT) applications. See **Official Gazette** for definition of U.S. weekly patent gazette.

GPO Government Printing Office.

grant The act of issuing a patent, or the issued patent itself.

grant copy The official copy of the patent (with cover, seal, and ribbon) mailed to the applicant or assignee on issue day.

Grant Red Book Utility patents, plant patents, design patents, reissue patents, and statutory invention registrations in XML format. (Reexamination certificates are not included in Grant Red Book.)

group art unit A subdivision of a technology center, headed by a supervisory primary examiner, wherein applications involving specific areas of the related arts are examined for patentability.

H See *kind code*.

IDS See *information disclosure statement (IDS)*.

Image File Wrapper (IFW) The USPTO's image technology system that stores and maintains patent application records. Incoming and outgoing papers are scanned into IFW. The IFW system is replacing paper applications in paper file wrappers.

image version The electronic image (also known as the **Yellow Book** version) of the composed (printed) patent or of the composed pre-grant publication..

incorporation-by-reference statement **(1)** A statement at the beginning of the specification which identifies and describes the part(s) of the application that were filed on compact disc, that is, a computer program listing and/or a Sequence Listing and/or tables more than 50 pages long. **(2)** A statement in the specification identifying another document which is not being published as part of the specification but which is being treated as part of the specification.

independent claim A claim that stands alone, makes no reference to any other claim, but from which subsequently numbered claims may depend.

index, annual See *annual index*.

index, classification See *classification index*.

Index of Patents See *annual index*.

index, patentee See *patentee index*.

index, subject See *classification index*.

informal amendment An examiner's amendment whereby the examiner makes corrections (of only those obvious errors and omissions listed in MPEP 1302.04) directly in the application in ink and initials the margin opposite each change.

informal drawing A drawing that has not met the requirements of 37 CFR 1.84 and has therefore not been approved by the USPTO. See *formal drawing*.

information disclosure statement (IDS) A form which contains references cited by the applicant (or, in some instances, by a third party). Applicants may use numbered IDS forms, Form PTO-1449, Form PTO/SB/08A, and Form PTO/SB/08B, as well as "equivalent" information disclosure statements of their own making. When an examiner initials an IDS reference citation, the reference citation is printed on the front page of the patent.

INID code INID is the acronym for Internationally agreed Numbers for the Identification of Data. Each INID code is a two-character numeric designation which identifies a specific kind of bibliographic data. INID codes are set forth in WIPO Standard ST.9. For example, INID code (22) indicates the filing date of the application, and INID code (56) indicates a "List of prior art documents" (reference citations). The U.S. prints INID codes for the bibliographic data on the front page of an eighteen-month publication or of a patent. INID codes enable a reader to find specific types of bibliographic data without knowing the language in which the document is printed.

interference A proceeding to determine which of two or more different applicants claiming the same patentable invention is the first inventor. An interference may involve, instead of two pending applications, an application and a patent, provided that a claim directed to the subject matter of the patent is made within one year from the patent's issue date.

interference search A search performed by the examiner at the time of allowance to ascertain whether any other applicant is claiming substantially the subject matter that is being allowed in the case at hand and, therefore, whether interference proceedings are to be initiated.

International Depository Authority (IDA) See *deposit of biological material*.

international filing date The date on which an international (PCT) application is filed. When such an international application reaches the U.S. national stage, the international filing date is the effective filing date.

international patent classification (IPC) A subject-matter classification coding system which arose from the 1971 Strasbourg Agreement Concerning the International Patent Classification and which is administered by WIPO. The system is revised every five years.

international (PCT) application A patent application filed under the Patent Cooperation Treaty (PCT) for patent protection in multiple countries as designated by the applicant. The applicant files the application in a WIPO Receiving Office.

inter partes reexamination See *reexamination*.

invention See *patentable invention*.

invention patent See *utility patent*.

inventor The person who first devises or discovers patentable material. See *applicant*. In the U.S. the patent application must be made in the name of the inventor, but in some countries it is the patent owner and not the inventor who applies for the patent (although the Paris Convention states the right of the inventor to be mentioned as such in the patent).

inventor's certificate A form of protection in some countries in which there is recognition of the inventor's authorship but in which the right to use the invention belongs exclusively to a government. Novelty is required, as for patents, but the term of the inventor's certificate is unlimited. Usually, the inventor is free to choose between the grant of a patent or the issue of an inventor's certificate. Many countries have ceased to issue this kind of certificate, also known as an author's certificate.

IPC See *international patent classification (IPC)*.

issue The patents, reexamination certificates, and statutory invention registrations that issue on a given Tuesday, plus the patent data, related indices, and other printed matter (such as USPTO notices) which constitute the *Official Gazette* for that given Tuesday. An issue is scheduled for each Tuesday of the year. (As a verb, to issue means to become effective as a patent.)

issue date or issue day The Tuesday—month, day, and year—on which a patent is granted.

issue fee The monetary fee established by U.S. law and regulation to cover the costs of securing a utility patent, a design patent, or a plant patent.

issue fee transmittal Form PTOL-85B, Issue Fee Transmittal, is the sheet in the carbon-set Form PTOL-85, Notice of Allowance and Issue Fee Due, that the applicant may use to transmit the issue fee. The applicant also enters onto Form PTOL-85B the attorney/firm and assignee data that is to be printed on the patent front page. The applicant may also use the form to place an advance order for copies of the patent.

issue Tuesday See *issue*.

joint application An application in which there are two or more inventors.

joint inventor One of the inventors in a joint application.

kind code An alphabetic or alphanumeric code indicating the kind of document, based on World Intellectual Property Organization Standard ST.16. The USPO is using the following kind codes as of January 2, 2001:

A1	patent application publication (pre-grant utility)
A2	republiation (pre-grant utility)
A9	corrected publiation (pre-grant utility) or corrected utility patent (when kind code of original utility patent was A)
B1	utility patent (when no A1 was published)
B2	utility patent (when an A1 was published)
B9	corrected utility patent (when kind code of original utility patent was B1 or B2)
C1, C2, etc.	reexamination certificate
E	reissue patent
E9	corrected reissue patent (when kind code of original reissue patent was E)
H	Statutory Invention Registration (SIR)
H9	corrected registration (when kind code of original SIR was H)
P1	plant patent application publiation (pre-grant)
P2	plant patent (when no P1 was published)
P3	plant patent (when a P1 was published)
P4	republiation (pre-grant plant)
P9	corrected publiation (pre-grant plant) or corrected plant patent (when kind code of original plant patent was P, P2, or P3)
S	design patent
S9	corrected design patent (when kind code of original design patent was S)

The USPTO has discontinued the use of these kind codes:

A	<i>utility patent</i> (before January 2, 2001)
P	<i>plant patent</i> (before January 2, 2001)
B1, B2, etc.	<i>reexamination certificate</i> (before January 2, 2001)

Latin name and varietal denomination The botanic name (genus plus species) and the variety name (cultivar designation), published as bibliographic items on the front page of a plant patent application publication or a plant patent.

ledger copy The archival copy of the patent placed in the USPTO's Public Search Room.

legal representative The person who prosecutes an application on behalf of a deceased or mentally incapacitated inventor. The legal representative may have a title such as executor, heiress, etc.

lengthy Sequence Listing A Sequence Listing that is 600 KB or more in size. Such a Sequence Listing is not published as part of the specification of the patent application publication or patent. Instead, it is separately published on the USPTO's sequence home page. See ***Sequence Listing***.

lengthy table section An accumulation of table data (one or more tables) covering 200 or more contiguous pages.

Letters Patent See ***patent***.

line drawing A drawing composed of black lines in which there may be spaced-line shading or hatching but no gray shading variations.

Locarno classification The international classification system for industrial designs, established by a 1968 conference of Paris Convention members in Locarno, Switzerland. The U.S. prints the appropriate Locarno classification on each design patent.

Manual of Classification A loose-leaf book listing all classes, subclasses, and digests under the U.S. patent classification system. In addition, it includes an index of subject matter and other related information, all of which is updated periodically to show reclassifications.

Manual of Patent Examining Procedure (MPEP) A detailed reference work setting forth the practices and procedures relating to the prosecution of applications before the USPTO, published primarily to provide instructions to examiners but also to provide general information and interpretations of regulations to applicants, attorneys, and others.

mesne assignment The transfer of patent rights from one assignee to another.

MPEP See *Manual of Patent Examining Procedure (MPEP)*.

national stage The phase in the processing of an international (PCT) application when WIPO sends a copy of the application to the patent office of each country in which the applicant is seeking patent protection so that each country's patent office can consider the application according to its own statutes, regulations, and procedures. The applicant pays the filing fee in each country and provides a translation, if one is necessary. In the U.S. the operative statute is 35 U.S.C. 371.

non-fee-paid file An application for which the issue fee has not been paid and to which no patent number has been assigned.

non-patent literature Scientific journals, periodicals, official proceedings, books, etc. cited as references on a Notice of References Cited or an information disclosure statement (IDS).

nonprovisional application An application filed under 35 U.S.C. 111(a) and consisting of a specification (including claims), an oath or declaration, drawings (when necessary), and the prescribed filing fee. All patents issue from non-provisional applications.

nonprovisional of provisional A PALM-system phrase which means "This nonprovisional application claims benefit under 35 U.S.C. 119(e) of the following prior U.S. provisional application." See **domestic priority (2)**.

Notice of Allowability Form PTO-37, Notice of Allowability, is mailed to the applicant at the time of allowance. In addition to its other uses, this form specifies which claims have been allowed and states whether formal drawings are still due. If the notice of allowability requires a response, the applicant must respond within three months of the notice's mail date. If formal drawings are due and they are not properly and timely submitted, the application is regarded as abandoned. (The notice of allowability is usually mailed to the applicant on the same day as the notice of allowance. Each document has its own response requirements. See **Notice of Allowance and Issue Fee Due**.)

Notice of Allowance and Issue Fee Due Form PTOL-85, Notice of Allowance and Issue Fee Due, is mailed to the applicant at the time of allowance, as required by 35 U.S.C. 151. This carbon-set notice informs the applicant that his or her patent has been allowed and specifies the amount of the issue fee that is due within three months of the mail date of the notice. This statutory three-month response period cannot be extended. If the issue fee is timely paid (see **issue fee transmittal**), the patent can proceed to issue, unless there is an unsatisfied requirement for formal drawings. If the issue fee is not paid within the three months, or if the issue fee is paid after the three months has expired, the application is considered to be abandoned. (The notice of allowance is usually mailed to the applicant on the same day as the notice of

allowability. Each document has its own response requirements. See **Notice of Allowability.**)

Notice of Allowance and Fee(s) Due The more recent version of Form PTOL-85 which gives the applicant three months to pay not only the issue fee but also, if it is due, the publication fee. See **issue fee**, **publication fee**, and **fee(s) transmittal**.

Notice of References Cited Form PTO-892, on which the examiner lists reference citations. All references cited by the examiner are printed on the front page of the patent.

oath Under 35 U.S.C. 115, a sworn (notarized) statement by the applicant that "he believes himself to be the original and first inventor" of the invention. See **declaration**.

Office The word with capitalized O refers to the USPTO (United States Patent and Trademark Office).

Office action Correspondence from the examiner stating the results of his/her examination of an application or of an amendment, what he/she is stating being the PTO's position on the matter.

Office of Initial Patent Examination (OIPE) The USPTO office which receives the patent application, checks to make sure the application has met formal requirements, accords a filing date to the application, etc.

Office of Patent Publication The office within the USPTO that is responsible for the publication of patent application publications (see **Pre-Grant Publication Division**), patents, the *Official Gazette*, and the Annual Index.

Office of Patent Publication Information Bulletin (OPPIB) A document that updates the grant and pre-grant data preparation manuals and/or which sets forth and updates procedures performed by the Office of Patent Publication and the publication database contractor.

official cross-reference A patent copy, officially labeled XR, placed by the USPTO in the search files immediately upon its issuance according to each of its cross-reference U.S. classes, subclasses, and digests. See **unofficial cross-reference**.

official cross-reference classification This term is equivalent to "cross-reference classification."

official draftsman A USPTO employee in a technology center who, at the request of the examiner, reviews drawings in terms of compliance with 37 CFR 1.84. See **formal drawing**.

official filing date See *filing date*.

Official Gazette (OG) See *Patents eOG (Patents electronic Official Gazette)*.

OIPE See *Office of Initial Patent Examination (OIPE)*.

OPPIB See *Office of Patent Publication Information Bulletin (OPPIB)*.

original classification The U.S. class and subclass to which the patent belongs. The original classification is entered by the examiner onto Form PTO-270, Issue Classification Slip. The classification is based on the subject matter covered in the allowed claims. See **official cross-reference classification** and **unofficial cross-reference classification**.

original reference A patent copy, officially labeled OR, placed by the USPTO in the search files immediately upon its issuance, according to the original class and subclass. See **official cross-reference** and **unofficial cross-reference**.

P, P1, P2, P3, P4, P9 See *kind code*.

PACR See *Patent Application Capture and Review (PACR)*.

PALM See *Patent Application Location and Monitoring (PALM)*.

PALM bibliographic data sheet A printout showing certain bibliographic information taken from the PALM system. Analogous to a **file wrapper label**.

PAP See *patent application publication (PAP)*.

parent application The earlier application by the same inventor(s) on which a continuation, divisional, or continuation-in-part application is based. The parent application may be a U.S. nonprovisional application or it may be an international (PCT) application that has entered the U.S. national stage and under U.S. law is being treated as a U.S. application. See **continuity data** and **domestic priority (1)**.

parent data See *continuity data*.

Paris Convention The Paris Convention for the Protection of Industrial Property is the basic international treaty in its field. The Convention was concluded in Paris in 1883 and has been revised repeatedly since. The U.S. signed in 1887. The treaty lays down various minimum standards of patent protection and common rules that are to be followed by each treaty country in its national laws. It provides that each treaty country give foreigners the same relevant protections that it gives its own nationals. Article 4 of the treaty provides for the right of priority. See **foreign priority**.

patent (1) A grant by a country's government (or, in some cases, by an intergovernmental entity acting for several countries) of the right to prevent others for a limited time from making, using, or selling in that country the invention or discovery defined in the claims. It creates a legal situation in which the invention can be exploited only with the authorization of the owner of the patent. There are three types of patents granted under Title 35 of the U.S. Code: utility patents, design patents, and plant patents. (2) A printed document (also known as "Letters Patent") establishing the rights of the inventor and fully describing the invention in a specification.

patentable invention A new, useful, and unobvious process, machine, manufacture, composition of matter, or improvement thereof.

patent agent A person who is not an attorney but who has the required qualifications and who is registered to practice before the USPTO.

patent application See *application*, *nonprovisional application*, *provisional application*, *international (PCT) application*, and *foreign national application*.

Patent Application Capture and Review (PACR) The USPTO's system for capturing as electronic images the application papers filed in the Office of Initial Patent Examination, including specification, claims, abstract, drawings, transmittal papers, etc. The PACR images are used as data sources for the eighteen-month publication of utility and plant applications.

Patent Application Location and Monitoring (PALM) The USPTO's electronic data base that stores information about applications, including bibliographic data, file histories, statuses, locations, etc.

patent application publication (PAP) Under the American Inventors Protection Act of 1999, the pre-grant publication of a utility patent application showing bibliographic data plus the unexamined specification, claims, and drawings. The PAP is published after the expiration of an eighteen-month period from the earliest date to which any kind of benefit (domestic priority, foreign priority, etc.) is being claimed. See 37 CFR 1.211.

patent attorney A member of the federal bar or a member of a state bar who has the required legal, scientific, and technical qualifications and who is registered to practice before the USPTO.

Patent Cooperation Treaty (PCT) An international treaty concluded in 1970, open to all countries that are party to the Paris Convention, and administered by WIPO. Under the treaty, an applicant can file an international patent application in his/her own language in his/her home country and have that application acknowledged as a national filing in whatever other PCT-member countries she/she designates as the ones in which he/she desires to have patent protection. The PCT provides an

international search report and provides for the publication of the international application, then the application enters the national stage in each designated country.

patent date See *issue date*.

patentee The holder of the rights granted by the patent.

patentee index An alphabetical listing of patentees and assignees to whom patents have been issued for a given week, which listing appears in the back of each weekly *Official Gazette*. The patentee index includes the following information for each issued patent: inventor and assignee name(s), invention title, patent number, and U.S. classification.

patent grant See *grant* and *grant copy*.

patent law A statute covering patents, found particularly in Title 35 of the United States code, and court interpretations thereof.

patent number The numeric identification given to an allowed U.S. application after the issue fee has been paid and formal drawing requirements have been met. The utility patent number is seven digits (in rare instances, ½ may be part of the number). Reissue, plant, and design patents have separate numbering systems in which the appropriate prefixes (Re., Plant, Des.) appear with the numbers. See also *patent series*.

patent of addition A kind of patent available in some countries which gives the inventor protection for improvements in an invention that he/she has already patented. The term of the patent of addition is usually limited to the unexpired term of the main patent. Some countries use the term "patent of improvement."

patent rule A patent regulation found in Title 37, Code of Federal Regulations. See *CFR*.

Patents eOG (Patents electronic *Official Gazette*) The USPTO's official journal relating to patents, which is electronically published each Tuesday on the USPTO web site, simultaneously with the weekly issue of patents. The Patents eOG presents bibliographic data, including representative drawings and representative claims, for all the patents, reexamination certificates, and statutory invention registrations in that week's issue. The Patents eOG includes hyperlinks to the Full Text and image versions of the issued documents. In addition, the Patents eOG publishes helpful indices, notices of interest to the patent community, and general information. The full title is *Official Gazette–Patents*, to distinguish it from the separate *Official Gazette–Trademarks*. (There is no official gazette for pre-grant publications.)

patent series A range of numbers assigned to patents issued during a specific period of time or a range of numbers issued for a special category or type of patent. The X-series is composed of the 10,000 or so patents that issued between 1790 and July 4, 1836, which were not originally numbered but which have since been arbitrarily numbered. The 1836 Series is the ongoing utility patent number series. Also, between 1838 and 1861, approximately 300 "additional improvement" patents were granted, and these were numbered in a series that uses the prefix "A.I." Other ongoing series include the reissue series, the design series, and the plant series.

patent term adjustment (PTA) In effect, the guarantee of a 17-year term for utility patents and plant patents issuing from applications filed on or after May 29, 2000. Inasmuch as the 20-year patent term is measured from the effective filing date, delays in USPTO processing could lead to a loss of patent term. Therefore, under 35 U.S.C. 154(b) and as a result of the American Inventors Protection Act of 1999, if certain processing deadlines are not met by the USPTO, the patent term is adjusted (extended) by the number of days of delay. This number of days of adjustment is printed on the patent front page. The PTA procedures apply to "original applications, other than designs."

patent term extension (PTE) A period by which the patent term is extended to compensate for prosecution delays that were not the fault of the applicant. Under 35 U.S.C. 154(b) the term can be extended up to 5 years, in which case a notice specifying the extension is printed on the patent front page. (Other statutes—35 U.S.C. 155 and 156—provide term extension for a drug or biotechnology patent when a Federal regulatory review delays the product's marketing, in which case the Commissioner issues a certificate of extension.) PTE procedures are applicable to applications filed on or after June 8, 1995, and before May 29, 2000. The PTE provisions apply to "original applications, other than designs."

PBR See *plant breeder's rights (PBR)*.

PCT See *Patent Cooperation Treaty*.

pendency The period of time between the filing of a patent application and its allowance or abandonment.

pending application An application filed in the USPTO which has not yet matured to the point of being allowed or abandoned.

petition A formal paper, usually accompanied by a prescribed fee, in which the applicant requests that the USPTO take a certain action. In some instances, the petitioner is asking that the USPTO revisit a previous adverse decision or action. For example, the applicant may petition for the revival of an application that the USPTO has declared to be abandoned, or the applicant may petition for the waiver of a certain rule. Otherwise, there are many circumstances in which the applicant is required to submit a petition. For example, a petition is required if the applicant wants

the USPTO to accept photographs as drawings, and a petition is required if the applicants want to change the order of the inventors' names from the order in which they appear on the oath/declaration.

petty patent See *utility model*.

plant breeder's rights (PBR) Under the UPOV Convention (International Convention for the Protection of New Varieties of Plants), a method of providing protection for the breeding of new plants (that is, instead of using patent laws to provide such protection). In a plant patent or a utility patent, the inventor may claim foreign priority from an earlier application for plant breeder's rights filed in a UPOV or World Trade Organization member country.

plant patent A patent granted under 35 U.S.C. 161 for an asexually reproduced new and distinct variety of plant. Under 35 U.S.C. 154, the patent term is 20 years from the effective filing date of the application.

plant patent application publication (PPAP) Under the American Inventors Protection Act of 1999, the pre-grant publication of a plant patent application showing bibliographic data plus the unexamined specification, claim, and drawings. The PPAP is published after the expiration of an eighteen-month period from the earliest date to which any kind of benefit (domestic priority, foreign priority, etc.) is being claimed. See 37 CFR 1.211.

post office address The address, including the postal code, at which the inventor customarily receives his mail.

power of attorney The written authority by which the inventor names the attorney or agent who is to prosecute the application.

PPAP See *plant patent application publication(PPAP)*.

practitioner An attorney or agent who is registered to practice before the USPTO.

pre-grant publication The generic term for any of the following: *patent application publication (PAP)*, *plant patent application publication (PPAP)*, *republishing*, or *corrected publication*.

Pre-Grant Publication Division The division of the Office of Patent Publication which oversees the eighteen-month publication of utility and plant applications. See *patent application publication (PAP)* and *plant patent application publication (PPAP)*.

preliminary amendment An amendment to the specification filed before the application has received an Office action.

primary examiner An examiner whose examination and allowance of a patent application does not have to be reviewed.

principal attorney The attorney or agent appointed by the inventor to be the attorney of record and who may in turn appoint an associate attorney of record.

print claim A representative claim (there can be up to five) selected by the examiner to appear in the *Official Gazette* entry that reports the issuance of the patent.

"printer waiting" query Per MPEP 1309.02, a file returned by the Contractor ["the printer"] to the USPTO for the purpose of requesting that data be clarified, requesting that omitted data be provided, requesting that extraneous data be properly deleted, or verifying that a necessary USPTO rule or procedure has been followed.

print figure See *representative drawing*.

prior art The level of development to which a particular area of technical subject matter has advanced at a given date. It consists of everything disclosed to the public—prior patents and patent applications, technical journals, books, etc. A synonymous term is "state of the art." In connection with a particular invention, the prior art is decisive for the determination of patentability. See also *reference citation*.

priority See *foreign priority*, *Paris Convention*, and *domestic priority*.

priority papers The written claim for foreign priority and the certified copy of the foreign application on which the priority claim is based.

prior publication data **(1)** On a (pre-grant) republication or a (pre-grant) corrected publication, the bibliographic data which identifies the publication number(s) and publication date(s) of the prior pre-grant publication(s). **(2)** On a patent, the bibliographic data which identifies the publication number(s) and publication date(s) of the pre-grant publication(s).

proof of authority Papers filed in the USPTO establishing that an inventor is deceased or mentally incapacitated and naming a legal representative to assume the prosecution of the application.

prosecution **(1)** The procedures followed in the attempt to obtain the grant of a patent. **(2)** The time during which a filed application is a "live" application—that is, until the applicant has no more recourse for action on the application.

pro se prosecution The prosecution of an application by the inventor without the assistance of an attorney or agent.

provisional application An application filed under 35 U.S.C. 111(b) and consisting of a specification, a drawing, and a prescribed filing fee. No claim is required as part of the provisional application. The provisional application is not examined, and no patent can issue from it. The provisional application becomes automatically abandoned 12 months after its filing date. See **domestic priority (2)** and see **nonprovisional application**.

PSIPS See **Publication Site for Issued and Published Sequences (PSIPS)**.

PTA See **patent term adjustment (PTA)**.

PTE See **patent term extension (PTE)**.

PTO Patent and Trademark Office.

PTO notice pages In the electronic *Official Gazette*, notices announcing changes in USPTO rules and practice, notices of maintenance fees payable, notices of the filing of reissue applications, notices of the filing of requests for reexamination, etc. These notices are also published weekly in paper form.

publication classification The U.S. classification that is published on the front page of the patent application publication or plant patent application publication.

publication date or publication day The Thursday—month, day, and year—on which a pre-grant publication (a patent application publication or a plant patent application publication) is published.

publication fee The fee paid by the applicant for the (pre-grant) patent application publication or plant patent application publication. The Notice of Allowance and Fee(s) Due requires that the applicant pay the issue fee and, if one is due, the publication fee.

publication-ready drawings In order to facilitate the eighteen-month publication of utility and plant applications, the applicant at the time of initial filing is required to submit drawings that are suitable for publication. The Office of Initial Patent Examination reviews the utility and plant drawings to make sure they meet the drawing standards set forth in 37 CFR 1.84.

Publication Site for Issued and Published Sequences (PSIPS) The USPTO web site on which lengthy Sequence Listings are published. See **lengthy Sequence Listings**.

Publishing Division The division of the Office of Patent Publication that is responsible for the post-allowance processing of patent applications, including the sending of files to the publication database contractor, the processing of "printer waiting" queries, etc.

query See "*printer waiting*" query.

RCE See *request for continued examination (RCE)*.

Receiving Office (RO) The office (usually the home-country patent office) in which an inventor files an international (PCT) application, which then proceeds to WIPO.

reclassification The ongoing revision, reorganization, or restructuring of the classification categories for the subject matter of inventions as catalogued in the Manual of Classification. A reclassification is sometimes called a "class change."

recognized country A country that accords reciprocal rights of priority. Recognized countries include Paris Convention participants, Inter-American Convention participants, participants in other multilateral treaty organizations such as the African Intellectual Property Rights Organization, and countries that provide for priority rights by reciprocal legislation.

Red Book version The "full text" searchable version of the patent in ***XML*** or of the pre-grant publication in ***XML***. See ***Grant Red Book*** and ***Application Red Book***.

reexamination A process under 35 U.S.C. 302–307 by which, either on "his own initiative" or in response to the filing of a request by "Any person at any time," the Commissioner of Patents and Trademarks can order the reexamination of a patent grant to decide a "substantial new question of patentability affecting any claim" of that patent. There are two kinds of reexamination proceedings, *ex parte* (from one party) and *inter partes* (involving multiple parties). If the request for *ex parte* reexamination is filed by a third party and not the patent owner, the third party's participation in the reexamination proceeding is limited to replying to the patent owner's statement. In an *inter partes* reexamination proceeding, the third party may file written comments addressing issues raised by the patent owner in response to an Office action. It is possible for one or more reexamination proceedings to be merged, including the merger of *ex parte* and *inter partes* proceedings. See ***reexamination certificate***.

reexamination certificate A document presenting the results of a completed reexamination procedure—that is, the cancellation of unpatentable claims, the confirmation of patentable claims, and the incorporation of amended or new patentable claims. The reexamination certificate will be either an *ex parte* certificate or an *inter partes* certificate. A certificate issuing from merged *ex parte* and *inter partes* proceedings will be an *ex parte* certificate.

reference citation Pertinent information (number, date, etc.) listed by the examiner on Form PTO-892 (Notice of References Cited) or by the applicant or a third party

on an information disclosure statement (IDS). A citation may be a U.S. or foreign patent or application, or it may be other published (non-patent) literature. See also **prior art** and **information disclosure statement (IDS)**, and **Notice of References Cited**.

reference to prior related applications The specification's version of **domestic priority data (1)** [**continuity data**] and/or **domestic priority (2)** which under 37 CFR 1.78 must be "the first sentence of the specification following the title" (37 CFR 1.78). This reference may also include information about nonspecifically related applications, although such information falls short of being parent data. However, also according to 37 CFR 1.78, there should not be such a specification reference if the domestic priority data is provided on an **application data sheet**. See also **related U.S. application data**.

refile application See **substitute application**.

reissue patent Under 35 U.S.C. 251, the second or subsequent issue of a patent when the previous patent issued "through error without any deceptive intention" and is therefore "deemed wholly or partly inoperative or invalid." Such an error may involve a "defective specification or drawing" or may arise from the inventor's having claimed "more or less than he had a right to claim." The reissue is effective "for the unexpired part of the term of the original patent."

rejection Action by the USPTO to deny patentability or to disallow a claim. The examiner must give written notice to the applicant explaining the reasons for the rejection, citing the references upon which the rejection is based.

related U.S. application data The bibliographic version of the data concerning **domestic priority (1)** [**continuity data**] and/or **domestic priority (2)**. The bibliographic related U.S. application data is published on the front page of the patent application publication or patent. (However, Continued Prosecution Application "continuation" or "division" information is not printed as related U.S. application data.) See also **reference to prior related applications**.

representative drawing Also known as the **print figure**. The drawing selected by the examiner for publication on the front page of the patent application publication, plant patent application publication, or patent, and which is published as part of the *Official Gazette* entry that reports the issuance of the patent.

republishing A second or subsequent publication of a patent application publication or plant patent application publication, which is produced at the applicant's request and upon payment of a fee, which is based on the applicant's resubmission of the application via the Electronic Filing System (EFS), and which has the purpose of correcting applicant errors, correcting non-material USPTO errors, and incorporating amendments.

request for continued examination (RCE) A process under 37 CFR 1.114 by

which, after the prosecution has been closed by a final rejection, a notice of allowance, etc., the applicant pays a fee and requests that the prosecution be reopened. The RCE procedure may be used for such purposes as the submission of information disclosure statements, the filing of amendments, or the presentation of new arguments and evidence for patentability. The RCE procedure cannot be used once the application has been abandoned or once the issue fee has been paid. The RCE procedure can be used for utility, plant, PCT, and reissue applications filed on or after June 8, 1995. See ***continued prosecution application (CPA)***.

residence The city and U.S. state, or the city and foreign country, in which the inventor lives.

right of priority See ***foreign priority***, ***Paris Convention***, and ***domestic priority***.

Rule 47 application An application in which an inventor does not sign the oath or declaration, either because he or she refuses to sign or because he or she cannot be located. ("Rule 47" is 37 CFR 1.47.)

Rule 312 amendment An amendment filed after the application has been allowed. ("Rule 312" is 37 CFR 1.312.)

S See ***kind code***.

search The examiner's investigation of the prior art related to the subject matter of the application. The purpose of the search is to determine the patentability of the invention.

Sequence Listing In a biotechnology patent's specification, a listing of nucleotide and/or amino acid sequences that is printed at the end of the specification's detailed description, immediately prior to the claims. Under 37 CFR 1.821–1.825, the applicant must submit the Sequence Listing in two forms: (1) a paper or compact disc version that goes into the physical file and (2) a "computer readable form" in ASCII that goes to the USPTO's Scientific and Technical Information Center. A copy of the "computer readable form" (CRF) is provided to the publication database contractor for data capture purposes. (There also may be sequences or fragments of sequences elsewhere in the specification, but these are not part of the Sequence Listing and are to be treated as complex work units.) See ***lengthy Sequence Listing***.

serial number The six-digit sequential portion of the application number. See ***application number***.

series See ***application series*** and ***patent series***.

series code The two-digit-prefix portion of the application number. See ***application number*** and ***application series***.

SGML See *Standard Generalized Markup Language (SGML)*.

sheets of drawings See *drawing* and *drawing sheet*.

SIR See *Statutory Invention Registration (SIR)*.

sole application An application in which there is one inventor.

SPE See *supervisory primary examiner*.

specification Under 35 U.S.C. 112, the "written description of the invention, and of the manner and process of making and using it," written in "full, clear, concise, and exact terms" capable of being understood by "any person skilled in the art to which it pertains, or with which it is most nearly connected."

Standard Generalized Markup Language (SGML) A language for describing documents to be used in office document processing, interchange between authors and between authors and publishers, and publishing, which provides a coherent and unambiguous syntax for describing the elements within a document. The relevant WIPO standard is ST.32.

state of the art See *prior art*.

status The condition or state of progress of a filed application—that is, pending, patented, or abandoned.

Statutory Invention Registration (SIR) Under 35 U.S.C. 157, a document that provides the defensive rights of a patent but that does not provide the enforceable rights of a patent. Therefore, the inventor can prevent others from patenting the invention, but he or she may not prevent others from making, using, or selling the invention. SIRs issue on the first Tuesday of each month.

subclass A subdivision of a class, designated by up to six characters, sometimes with a decimal. Each subclass contains at least one numeric character. Otherwise, they vary greatly in appearance (for example, 4, 52, 403, 791.6, 192 R, 252.33, 51.5 A, 65 EC).

subject index See *classification index*.

substitute application An application that is a substantial duplicate of an earlier application by the same inventor that was abandoned before the filing of the later application. No benefit can be obtained from the earlier filing date. Also referred to as a "refile application."

substitute specification A corrected ("clean form") version of the specification. The PTO may require a substitute specification (including claims) when the original

specification is illegible or has been amended many times. As of December 1, 1997, the applicant has a right to file a substitute specification (excluding claims) "at any point up to payment of the issue fee" (37 CFR 1.125).

summary The portion of the specification that immediately precedes the brief description of the drawings or, if there are no drawings, the portion of the specification that immediately precedes the detailed description. The summary includes information about the field of the invention, the object of the invention, and the description of the prior art.

supervisory primary examiner (SPE) The person in charge of an examining group art unit who has primary examiner status.

technology center One of the USPTO's main administrative units, headed by one or more directors, in which applications in a related field are examined for patentability. See **group art unit**.

term The period for which patent rights are granted. See **utility patent**, **plant patent**, and **design patent**.

terminal disclaimer The relinquishment by the patentee or applicant of legal rights to a terminal portion of the term of the patent or to the entire term of the patent. A terminal disclaimer is a means by which the patentee or applicant either can overcome an "obvious variation" rejection (see double patenting) or can dedicate the patent rights to the public.

title A description—"as short and specific as possible" [37 CFR 1.72]—of the invention. The title is printed bibliographically on the patent front page and is also printed at the beginning of the specification.

unofficial cross-reference A copy of a patent unofficially placed in the examiner's search file under a classification to which it is sufficiently related to be searched, but not placed there as an original classification or as an official cross-reference classification. The examiner may write UXR on the top of the reference copy. See **official cross-reference**.

unofficial cross-reference classification Any classification under which a copy of an already issued patent is placed unofficially (that is, not documented in any USPTO records) in the file by an examiner in addition to its original classification and its official cross-reference classifications. See **original classification** and **official cross-reference classification**.

U.S.C. United States Code, Title 35 of which is "Patents." 35 U.S.C. contains the patent laws passed by the Congress. See **patent law**.

U.S. classification The class and subclass in the Manual of Classification which best indicates the subject matter of an invention.

USPTO The United States Patent and Trademark Office.

utility model A lesser kind of protection that an inventor can obtain in some countries (but not in the U.S.). Under requirements less strict than requirements for a patent (in some countries it is not even necessary that there be an "inventive step"), the inventor can submit a model or can register a description or drawing and thereby be granted protection similar to what a patent would provide, though usually for a shorter duration. This form of protection covers generally only the shape and configuration of an object as far as it serves some useful purpose, which means that processes cannot be covered. Another term for utility model is petty patent.

utility patent A patent issued under 35 U.S.C. 101 for a "new and useful process, machine, manufacture, or composition"—also known as an invention patent, and to be distinguished from a plant patent or a design patent. Utility patents include general/mechanical, chemical, and electrical patents. Under 35 U.S.C. 154, the patent term is 20 years from the effective filing date of the application.

WIPO See *World Intellectual Property Organization (WIPO)*.

withdrawal A patent that is removed from an issue at the direction of the USPTO or upon petition by the applicant, per 37 CFR 1.313.

World Intellectual Property Organization (WIPO) A specialized agency in the United Nations system which is based in Geneva and the objective of which is to promote the protection of intellectual property throughout the world. The WIPO body charged with industrial property information and documentation is the Permanent Committee on Industrial Property Information (PCIP). See also *International (PCT) application*, *international patent classification (IPC)*, and *INID code*.

XML Extensible Markup Language. A descendant of *Standard Generalized Markup Language (SGML)*.

Yellow Book version of patent See *image version*.

Appendix H

Secreted Protein Database Initiative (SPDI) Applications

As of this writing approximately two thousand (2,000) so-called Secreted Protein Database Initiative (SPDI) applications have been filed in the USPTO. There are thirteen SPDI “family” groupings. The hundreds of applications within each SPDI family are identical with respect to their drawings, abstracts, specifications, claims, and Sequence Listings.

The USPTO will provide the publication database contractor with a diskette dated 4/7/03 on which the file labeled “Interference” contains thirteen spreadsheets, one for each SPDI family, and each spreadsheet identifies that family’s members by docket number (the **File No.** column) and U.S. application number (the **Application No.** column). From time to time, as additional SPDI applications are filed, the USPTO will provide the publication database contractor with information for the updating of the thirteen spreadsheets.

NOTE: The information on the SPDI spreadsheets is provided by the applicant and is annotated by examiners with current examination information (restriction elections, etc.), and so should be considered confidential.

The publication database contractor will use the above-described spreadsheets to identify applications that are members of the same SPDI family, in order to carry out the procedures described below.

In patent (grant) publication processing, each allowed SPDI application file wrapper and its papers and the CRF of its Sequence Listing will be exported to the publication database contractor in the established manner.

The bibliographic data for each allowed SPDI application will be captured from the application file wrapper and its papers in accordance with the existing procedures.

However, if it is convenient for the publication database contractor to re-use the drawings, abstract, specification, claims, and Sequence Listing from a previously captured SPDI family member, the publication database contractor may do so, with the requirement that amendments must be applied to the allowed SPDI application’s drawings and/or abstract and/or specification and/or claims and/or Sequence Listing.

Appendix I

Data Sources in Image File Wrapper (IFW) Applications

In this appendix the symbol ➤ indicates a notable departure from what is said elsewhere in this manual with respect to a data source or the contractor's verification thereof.

■ IFW data sources in Initial Data Capture (IDC)

In general, these are IFW documents that are dated the same as or earlier than the Notice of Allowance (NOA) date. The leftmost column shows IFW index codes. It is not uncommon for the USPTO to use a given IFW index code inconsistently or incorrectly. For example, when indexing a claim amendment the USPTO sometimes indexes the first page of the amendment as **A...**, then indexes the second and succeeding pages of the amendment as **CLM**.

The table of contents (TOC) for IFW “Prosecution” images, plus in some instances the TOC for IFW “Prior Art” images, will be included with the IFW printout (hard copy), and the publication database contractor will have access to application TOCs in the IFW system. The TOC will be helpful in identifying certain kinds of IFW documents that may not be printed at all or not printed out in their entirety, for example, artifacts (e.g., color photographs), lengthy prior art such as foreign applications (**FOR**) or non-patent literature (**NPL**), the “paper” version of a lengthy Sequence Listing (**SEQLIST**), the examiner’s lengthy search notes (**SRNT**). In addition, the TOC may be helpful to the contractor during the performance of quality checks and during the formulation of (and perhaps prevention of) “printer rush” queries.

An example of a table of contents follows:

09871642(2001-06-04) : OIPEDocCodeTroubleshoot

Application Document Message Windows

< > TOC>PROSECUTION

Cover TOC Status Structure History

Messages PROSECUTION All

Show: Active

Date	Code	Pages	A-Pub	Annotation
06-04-20...	TRNA	3		
06-04-20...	SPEC	10		
06-04-20...	CLM	2		
06-04-20...	ABST	1		
06-04-20...	DRW	5		
06-04-20...	BIB	1		
06-04-20...	WFEE	1		
06-04-20...	WCLM	1		
06-04-20...	FWCLM	1		
06-04-20...	IIFW	1		
06-04-20...	ARTIFACT	1		
08-01-20...	CTMS	1		
08-06-20...	LET.	4		
08-06-20...	FRPR	21		
08-06-20...	OATH	1		
11-27-20...	SRNT	3		
01-23-20...	SRNT	2		
01-30-20...	CTNF	7		
04-30-20...	A...	2		
04-30-20...	SPEC	1		
04-30-20...	CLM	2		
04-30-20...	REM	6		
04-30-20...	WFEE	1		
04-30-20...	LET.	1		
04-30-20...	DRW	2		
07-01-20...	IDS	4		
06-17-20...	CTNF	8		
06-19-20...	CTNF	6		

ACPA or	Continuing Prosecution Application – Continuation	➤ trigger for printing CPA notice – If code ACPA or DCPA is present in the IFW TOC, then a CPA (20-year-term) notice will be printed on the patent front page. (Other “CPA” codes such as ICPA or MCPA are <u>not</u> to be used as triggers for printing the notice.)
DCPA	Continuing Prosecution Application – Divisional	
DISQ	Terminal Disclaimer Approved in TC	➤ trigger for printing terminal disclaimer notice – If code DISQ is present in the IFW TOC, then a terminal disclaimer notice will be printed on the patent front page.

NOTE: If the correct code (**ACPA** or **DCPA**) does not appear in the IFW TOC, the CPA (20-year-term) notice will not be printed on the patent front page. If the correct code (**DISQ**) does not appear in the IFW TOC, the terminal disclaimer notice will not be printed on the patent front page. It is the USPTO’s responsibility to make sure these codes appear in the IFW TOC. The publication database contractor is not required to inspect or read the images of the CPA documents and TD documents.

ADS	Application Data Sheet	Possible source for inventor’s address, invention title, continuity data, provisional application data, foreign priority data. See below under Foreign Priority Data .
OATH	Oath or Declaration	Source for inventor’s name. Possible source for inventor’s mailing address, foreign priority data. See below under Foreign Priority Data .
BIB	PALM bib data sheet	➤ <u>The latest BIB will be final authority for (a) order of inventors and (b) number of inventors.</u> For example, if OATH shows inventors in XYZ order but latest BIB shows inventors in ZXY order, the front page of the patent will show ZXY order. If OATH shows inventors A & B & C but latest BIB shows inventors A & C, then the front page of the patent will show inventors A & C.
TRNA	Transmittal of New Application	Possible source for an amendment adding the continuity statement to the beginning of the specification.
IIFW	File Wrapper Issue Info (Office Action and Correspondence Subsystem [OACS] form called Issue Classification)	Source for issue classification (U.S. original, U.S. cross-reference, IPC), primary examiner & assistant examiner. Data source for OG Print Claim(s), OG Print Fig, and Art Unit (captured only for Full Text). Shows Total Claims Allowed and Index of Claims.

NOTE: The CPA, T.D., and R.1.47 boxes on the IIFW paper are to be ignored by the publication database contractor. For information about the trigger for printing a CPA (20-year-term) notice, see above under **ACPA** or **DCPA**. For information about the trigger for printing a terminal disclaimer (TD) notice, see above under **DISQ**.

SRFW	File Wrapper Search Info (OACS form called Search Notes)	Source for SEARCHED data (field of search).
NOA	Notice of Allowance and related papers	In a given application there likely will be multiple NOA images. For example, one NOA image may be the Notice of Allowance itself, that is, the outgoing Notice of Allowance and Fee(s) Due, the outgoing (blank) Part B, and the outgoing PTA/PTE sheet. Another NOA image may be the <u>Notice of Allowability (PTO-37)</u> and possibly an <u>examiner's amendment</u> to specification and/or claims and/or title of invention. Form PTO-37 shows which claims are allowed; may indicate drawing requirement; may indicate biological deposit requirement; may show examiner's acknowledgment of foreign priority claim and acknowledgment of receipt of certified copy.
CTNF	Non-Final Rejection	May show examiner's acknowledgment of foreign priority claim and acknowledgment of receipt of certified copy.
CTFR	Final Rejection (PTO-326)	May show examiner's acknowledgment of foreign priority claim and acknowledgment of receipt of certified copy.
892	Form PTO-892	Source for references cited by examiner.
1449		examiner-marked IDS Source for references cited by applicant. <u>NOTE:</u> IDS indicates incoming (blank) IDS.
M903	Form PTO/DO/EO/903	Will be present only when application was filed under 35 U.S.C. 371 as U.S. national stage of PCT application. M903 is source for 371(c)(1)(2)(4) date, for PCT application

number (INTERNATIONAL APPLICATION NUMBER),
and for PCT filing date (I.A. FILING DATE).

➡ NEW DATA SOURCE for WO publication number and WO publication date – The DO/EO worksheet is not being indexed as such in the IFW system and cannot be reliably exported. Therefore when the **M903** image is exported, the contractor will go to the **WIPO Publication Data** screen in PALM Intranet, will enter the PCT application number into the appropriate Search box, and thereby will access a screen showing the WO publication number and the WO publication date. This screen will serve as the data source for these two items. If the search does not provide a WO publication number and a WO publication date, these two items will not be published on the front page of the patent.

DRW	Drawing(s)	The latest-dated DRW image will be the source for the drawings, unless drawings are included in the Artifact folder.
ABST	Abstract	The latest-dated ABST image will be the source for the abstract.
SPEC	Specification	The latest-dated SPEC image will be the source for the specification. First page of specification (if there is no ADS) is the source for the title of invention, as amended by examiner's amendment (see NOA) or by applicant's amendment (see A...).
CLM or CLMPTO	Claim(s)	Source for claims.
A...	Amendment	May contain amendment to title of invention, specification, claim.
A.PE	Preliminary Amendment	May contain applicant's amendment to the specification or claims. <u>NOTE</u> : "Preliminary" means preliminary to examination, that is, the amendment was submitted as part of the initial filing of the application.
ARTIFACT	Artifact Sheet	(a) If an artifact sheet is present, it is indexed in the table of contents. An example of an artifact sheet follows:

ARTIFACT SHEET

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc..
Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB

Indicate quantity of a single type of artifact received but not scanned. Create individual artifact folder/box and artifact number for each Artifact Type.

☐

CD(s) containing computer program listing

Doc Code: Computer

Artifact Type Code: P

☐

Stapled Set(s) of Extra Color Drawings/Photographs

Doc Code: Artifact

Artifact Type Code: C

☐

CD(s) containing pages of specification ☐
and/or sequence listing ☐

Doc Code: Artifact

Artifact Type Code: S

☐

CD(s) with content unspecified

Doc Code: Artifact

Artifact Type Code: U

☐

Microfilm(s)

Doc Code: Artifact

Artifact Type Code: F

☐

Video tape(s)

Doc Code: Artifact

Artifact Type Code: V

☐

Model(s)

Doc Code: Artifact

Artifact Type Code: M

☐

Bound Document(s)

Doc Code: Artifact

Artifact Type Code: B

☐

Other, description: _____

Doc Code: Artifact

Artifact Type Code: Z

(b) See below under *Foreign Priority Data*.

(c) Color drawings/photographs – The contractor will check to see if the artifact identified on the sheet is a photograph or color drawing. In this situation, the USPTO may have exported to the contractor a paper “artifact file wrapper” containing the color photographs or drawings. If the USPTO did not export this “artifact file wrapper” containing the photographs or drawings, the contractor will request that the Off of Pat Pub Director’s office provide the photographs or drawings.

(d) Tables on CD – The contractor will check to see if the artifact identified on the sheet is “CD(s) containing pages of specification.” Such “pages of specification” will be tables. By rule, if a table “has more than 50 pages of text” the applicant may have filed it separately on CD. In this situation, the USPTO may have exported to the contractor a paper “artifact file wrapper” containing the CD. If the USPTO did not export this “artifact file wrapper” containing the CD with tables, the contractor will request that the Off of Pat Pub Director’s office provide the CD.

NOTE: If the artifact sheet identifies a CD containing a Sequence Listing only (that is, no tables), or if the artifact sheet identifies a CD containing a computer program listing only (that is, no tables), then there is no need for the contractor to obtain a copy of the CD, inasmuch as the Sequence Listing will be captured from the CRF supplied by STIC, and inasmuch as computer program listings are not published. If the USPTO exports a paper “artifact file wrapper” containing a CD and the CD contains a Sequence Listing and/or a computer program listing but contains no tables, the contractor will not use that CD as a data source.

SIR.	SIR request	If both the SIR. image and the ASIR image are exported, the application will be published as a SIR. The SIR. image will serve as the source for assignee data and attorney/agent/firm data.
ASIR	Approval of SIR Request	See above. If SIR. image is exported but ASIR image is not, or if ASIR image is exported but SIR. image is not, the contractor must initiate a “printer rush” query.

additional information about IFW data sources in IDC:

■ ***Sequence Listing***

- If the applicant files the Sequence Listing on paper, the USPTO should use IFW index code **SEQLIST**. The IFW printout (hard copy) of the **SEQLIST** image may show an entire Sequence Listing, but if the Sequence Listing is lengthy, the IFW printout (hard copy) of the **SEQLIST** image may show only the first few pages of the Sequence Listing.
- If the applicant files the Sequence Listing on CD, the USPTO should complete an artifact sheet and scan it into IFW with the index code **ARTIFACT**. The **ARTIFACT** will be included in the IFW printout (hard copy). See above under **ARTIFACT**.
- In either of the above two situations, the applicant must also have filed a computer readable form (CRF) of the Sequence Listing, which is maintained by STIC Systems Branch and which will serve as the data source for the capture of the Sequence Listing.
- EXPORT OF CRF TO IDC: PALM will be updated to show each application's SENT Date (date sent to IDC), whether the application is a conventional paper file wrapper, an IFW "hybrid" file wrapper, or an IFW printout (hard copy). Per the current procedures, at the beginning of each week the USPTO will produce a PUBS Sequence Report identifying the applications that meet two conditions: (a) the SENT Date is on Monday through Friday of the preceding week and (b) the PALM contents listing shows a "CRF" code. The PUBS Sequence Report will be forwarded to the contractor and to STIC Systems Branch. The STIC Systems Branch will copy the CRFs for all of the applications identified in the report, and via the Office of Patent Publication will send the CRFs on a compact disc to IDC.
- EXPORT OF REPLACEMENT CRF TO IDC: As the result of a "printer rush" query, the STIC Systems Branch may send a new or replacement CRF to the contractor.

■ ***Foreign Priority Data***

Foreign priority data will be captured and published when

- (a) the **OATH** or **ADS** image shows each foreign application number, country, and date;
 - (b) the **CTNF** or **CTFR** or Notice of Allowability (see **NOA**) shows the examiner's acknowledgment of the priority claim; and
 - (c) one of those same documents or the Form PTOL-147 [see code **CTMS** under **IFW data sources in Final Data Capture (FDC)**] shows the acknowledgment of receipt of the certified copy.
- The IFW printout (hard copy) may show the certified copy (indexed as **FRPR**) in its entirety, or it may show only the first page of the certified copy, or it may show an artifact sheet (**ARTIFACT**) indicating that a certified copy was filed but that it was not scanned into the IFW system. However, as a general rule in IFW processing and as indicated by (a), (b), and (c) above, the certified copy should be removed as a validation step for the processing of foreign priority data.

■ **IFW data sources in Final Data Capture (FDC)**

In general, these are IFW documents that are dated later than the NOA date. As previously stated, the USPTO may use a given IFW index code inconsistently or incorrectly.

IFEE	PTOL-85B (Issue Fee Transmittal) showing fee payment	Source for assignee data and for attorney/agent/firm data.
A.NA	Rule 312 Amendment	Post-allowance amendment. If N271 image (see below) is not exported as well, contractor should initiate “printer rush” query.
N271	Examiner’s Response to Rule 312 Amendment	See above under A.NA . Examiner must say yes or no to entry of post-allowance amendment.
CTMS	Miscellaneous Action	The “miscellaneous action” that will be needed is any Form PTOL-147 (PRIORITY ACKNOWLEDGMENT) that was mailed in response to a post-allowance submission of the certified copy.
1449	PTO-1449 or other IDS	Post-NOA-dated 1449 may mean <i>EITHER</i> IDS was filed and marked during post-allowance follow-on processing <i>OR</i> IDS was marked by examiner in response to “printer rush” query.
892	Form PTO-892	Post-NOA-dated 892 may have been produced in response to “printer rush” query
DRW	Drawing(s)	Post-NOA-dated drawings.
IIFW	File Wrapper Issue Info	Post-NOA-dated IIFW may have been produced in response to “printer rush” query.
SRFW	File Wrapper Search Info	Post-NOA-dated SRFW may have been produced in response to “printer rush” query.
ADS	Application Data Sheet	Post-NOA-dated ADS may have been produced in response to a “printer rush” query.
OATH	Oath or Declaration	Post-NOA-dated OATH may have been produced in response to a “printer rush” query.
M903	Form PTO/DO/EO/903	Post-NOA-dated M903 may have been produced in response to “printer rush”

query. [Under **IFW data sources for IDC**
see NEW DATA SOURCE for WO publication
number and WO publication date.]

SPEC

Specification

37 CFR 1.125(b) says “A substitute
specification, excluding the claims, may be filed
at any point up to payment of the issue fee”